

Ambush marketing law passes first test

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The Major Events Management Act came into force in 2007, to provide greater protection to sponsors of important events from Ambush Marketing. The legislation provides protection for Major Events and protection for emblems and words relating to the Olympic Games and Commonwealth Games.

As part of New Zealand's successful bids to host the 2011 Rugby World Cup and the 2015 ICC Cricket World Cup a commitment was given to ensure adequate provisions were in place to protect sponsors. However the scope of the legislation is wider and applies to any event that is declared to be a Major Event under the legislation. It is not restricted to sports events.

For an event to be declared a Major Event it has to be established that the event will attract an international profile and be of sporting, cultural, social and economic benefit to New Zealand. The organiser must apply to the Minister of Economic Development for protection.

There are only three major events that have been declared so far. They are the Rugby World Cup 2011, the FIFA U-17 Women's World Cup and the FIBA U-19 World Championship.

In each instance Regulations associated with the Act have been passed. They are the Major Events Management (Rugby World Cup 2011), Major Event Emblems and Words (Rugby World Cup 2011), Major Events Management (FIFA U-17 Women's World Cup 2008), Major Events Emblems and Words (FIFA U-17 Women's World Cup 2008) and Major Events Management (FIBA U-19 World Championship 2009).

The first Major Event to be held in New Zealand under the Major Events Management Act was the FIFA U-17 Women's World Cup held in October to November 2008. The event was followed by fans and media but there was careful attention being paid by lawyers, marketers and event organisers.

With more than 200,000 attendees and an estimated global television audience of 100-200 million this was a large event and a good test case for the legislation.

The second Major Event was the FIBA U-19 World Championship 2009 held in July 2009. 16 teams competed for global supremacy, with an international audience estimated at more than 100 million viewers.

Close collaboration between the event organiser and the Ministry of Economic Development ensured that words and emblems protected were not overly broad.

Clean zones were identified and interestingly for the FIFA U-17 Women's World Cup, they were identified as QEII Stadium in Christchurch and North Harbour Stadium in Auckland and surrounding areas, for the semi-finals and finals.

For the FIBA U-19 World Championship the North Shore Events Centre and ASB Stadium and surrounding areas were identified as Clean Zones for the semi-finals and final.

No clean transport routes were considered necessary for either event.

For both major events both FIFA and FIBA respectively, along with local organisers in New Zealand, acted as Enforcement Officers to deal with activities that breached the Act. Breaches were identified quickly and dealt with effectively under the Act.

Both events were run successfully.

The Major Events Management Act 2007 was proven in both instances to be useful and user friendly. However it appears that this was largely due to pragmatic decisions by FIBA, FIFA and local event organisers which resulted in not overly broad or onerously restrictive protection being sought.

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