

## First Charges Laid Under the Major Events

### Management Act 2007

Posted on 26/04/2010 by [Sue Irwin Ironside](#)

The first charges have been laid under the Major Events Management Act 2007 (“the Act”) after the New Zealand Customs Service intercepted a shipment of 1000 t-shirts bearing one of the International Rugby Board logos protected under the Act.

Customs had seized the products in January and handed over the investigation to the Ministry of Economic Development. Criminal charges were laid against CL NZ Trading Company Limited and the company’s director Terry Lung Chan on 22 April 2010. His court hearing has been set down for 6 May 2010.

These charges may go some way to quietening sceptics who believed that enforcement of the provisions of the Act would not be a priority for the Ministry. The Ministry will no doubt be hoping that by setting a precedent with the charges, there will be an ongoing deterrent effect on would be intellectual property infringers.

### Protection of Emblems and Words Under the Act

Under the Act declarations can be made which protect specified emblems, words and combinations of words for events which have been declared “major events” under the Act.

Declarations are made after a consultative process between the Economic Development Minister, the Commerce Minister, the relevant major event organiser and anyone else who the Economic Development Minister feels may be affected by a recommendation. The Economic Development Minister then takes the recommendation to the Governor General who may make the declaration by an Order in Council. Orders which have been made under the Act relating to major event emblems and words are:

- Major Event Emblems and Words (Rugby World Cup 2011) Order 2008
- Major Events Management (World Rowing Championships 2010) Order 2009
- Major Events Management (U19 Cricket World Cup) Order 2009
- Major Events Management (FIBA U19 World Championship 2009) Order 2008

These Orders contain representations of the protected emblems and list the word, words, or words in combination which are protected.

The protection for the emblems and words is for a certain period of time known as the “protection period”. The Rugby World Cup 2011 protection period relating to the event’s emblems and words commenced on 11 September 2008 and will end on 21 November 2011. The World Rowing Championships has a protection period which runs from 18 January 2010 through to 30 November 2010.

Under section 10 of the Act no person may make a representation that their goods or services, brand of goods or services, or a person who provides goods or services is associated with a major event.

The Act goes on to add that there is a presumption that a person is making such a representation if they use a major event emblem, word or words (or something which is so similar to a major event emblem, word or words that a reasonable person would be deceived). It is important to note that this is the case even where “unauthorised” or “unofficial” is used with a major event emblem, word or words.

Any person who is convicted of knowingly breaching section 10 of the Act is liable to a fine of up to \$150,000.

Several exceptions apply to these provisions. Obviously where a person has the permission of the major event organiser to use the emblem or words they will not be in breach of the Act.

There are also cases of honest practices in both industry and commercial matters which will not breach the Act.

If you would like further information relating to major events emblems and words, or any other issues arising under the Major Events Management Act 2007 please contact [Sue Ironside](#).