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Ambush Marketing: Concept and Strategic Implications

Authors

Name : Ms Charul Agrawal
Asst Prof : T John College

Name : Ms Jyothi Byahatti
Asst Prof : T John College

ABSTRACT

Due to increased competition and media fragmentation, today companies are looking for alternate media by which they are able to differentiate their offerings. One such medium is sponsorships. Sponsorships for companies is becoming increasingly expensive, the companies are therefore exploring alternative strategies whereby they get dual benefits of saving the sponsorship fee and at the same time reap the benefit of the event. Ambush marketing is one such technique.

Ambush marketing can be defined as a marketing strategy where in the advertisers associate themselves with and therefore capitalize on a particular event without paying any sponsorship fee. From a theoretical perspective, what happens is that a company is able to garner the goodwill and popularity of an event without paying anything for the event. Even the authorization from the concerned parties is not taken.

The word ambush comes from French verb "embuschier" which means "to place in a wood". The term was coined by Jerry Welsh.

The associated danger of ambush marketing is that the official sponsor who has paid for a heavy amount for the event loses its identification as well as it reduces the intended effectiveness.

This paper seeks to address the various issues related to ambush marketing in detail. The focus shall be to study the concepts, its type, its current relevance in the marketing scenario and its

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impending dangers. The focus shall also be towards the recent strategies which the companies are adopting in the light of Ambush Marketing and what are its implications on the sponsor as well as the target audience

Keywords: Sponsorship , Ambush, Events , strategy, sponsor identification

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INTRODUCTION

Ambush Marketing was initially defined as a "co-intentional effort to weaken or ambush its competitors' official sponsorship". It can be understood as a marketing strategy wherein the advertisers associate themselves with, and therefore capitalize on, a particular event without paying any sponsorship fee. Ambush marketing is done by engaging in promotion and advertising that tradeoff the event or goodwill and reputation, and the result is confusion for the buying public as to which company really holds official sponsorship rights. The recent times have seen rapid growth of sponsored events starting from Olympics to Bollywood awards nights. Ambush Marketing has been quite popularly associated with Olympics but the presence has been felt in Airlines as well as FMCG sectors. Even Bollywood is not left behind, ambush marketing was seen at the time of release of Aamir Khan's 'Ghajini' where the ticket sellers were promoting the 'Ghajini' hair style at the window thus ambushing Shahrukh's and Yashraj's movie 'Rab ne bana di Jodi'

Marketers are today sponsoring everything from cricket matches to television serials.

WHAT IS SPONSORSHIP?

To sponsor something is to support an event activity, person, by the organization financially or through the provisions of products or services. While sponsorship can deliver increased awareness, brand building and propensity to purchase, it is different to advertising. Unlike advertising, sponsorship cannot communicate specific product attributes. Nor can it stand alone. Sponsorship requires support elements. And, while advertising messages are controlled by the advertiser, sponsors do not control the message that is communicated. Consumers decide what a sponsorship means. The main purpose of sponsorship is to increase public recognition and if possible allow some facilities to the sponsors for direct advertisements.

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Why sponsorship saw increased presence was because of primarily two reasons:-

a) Sponsorship breaks through clutter that affected Advertising
b) Event owners became more sophisticated at developing packages that enabled them to obtain higher returns from their events

In exchange for the sponsorship fees, official sponsors typically get exclusive rights to certain advertising opportunities such as banners on the race course, naming rights to tournaments or event locations, being the official provider of a team's uniform or shoes, merchandise tie-ins, and VIP tickets.

There are three elements that help distinguish sponsorship from patronage

1. A sponsor makes contribution in cash or kind which may or may not include services and expertise to an activity which in some measure is a leisure pursuit, either sport or within the broad definition of the arts.
2. The sponsored activity does not form part of the main commercial function of the sponsoring body (otherwise it would be straight forward promotion rather than sponsorship)
3. The sponsor expects a return in terms of publicity.

The sponsorship attractiveness has been on an increase, but with an impending danger and that is the sponsors are losing the security. Not only security issues but it also happened that in spite of having paid the sponsors fee, they lost the battle of competition.It was easy for companies to enter into contracts and highlight their names as a Sponsor, but they could not save themselves from their competitors who won the battle by taking away the limelight from them without paying for the event. It was the advent of Ambush Marketing.

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MEANING OF AMBUSH MARKETING

The word "ambush" as used in the expression ambush marketing, means "an attack from a hidden position" and is derived from the old French verb *embuschier*, having the meaning "to place in a wood". The term "ambush marketing" was coined by marketing strategist Jerry Welsh, while he was working as the manager of global marketing efforts for the American Express Company in the 1980s.

According to McCarthy, ambush marketing is a type of marketing by a company that is not an official sponsor of an event but places advertisements using the event to induce customers to pay attention to the advertisement. From a theoretical perspective, ambush marketing refers to a company's attempt to capitalize on the goodwill, reputation, and popularity of a particular event by creating an association with it without the authorization or the consent of the necessary parties.

The first instance where ambush marketing is believed to have first occurred is at Los Angeles Olympics in 1984 where Fuji was the official sponsor of the games but Kodak sponsored the ABC broadcasting of the event and the official film of the US track team, thus ambushing Fuji.

Examples of ambush marketing include: advertising on billboards that are near the sporting event, for example, outside a stadium or along a marathon route; flying airborne banners or huge inflatable over the event; handing out freebies such as t-shirts, flags or caps near the event so that those inside a stadium are wearing or waving the logos of an ambush marketer; creating ads that refer to the sporting event, usually in generic terms to avoid liability for trademark infringement; sponsoring individual players at sporting events so that they are wearing the ambush marketer's logo; sponsoring a news conference where team players are invited to speak; advertising a

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sweepstakes which will award tickets to sporting events as prizes; and running ads after an event congratulating the teams or players.

HISTORY AND FUTURE OF AMBUSH MARKETING

Highlights in ambush marketing history include(Wei and Kretschmer, 2004; Davis, 2001; Moorman and Greenwell, 2005) :

- 1984 Olympics: Kodak sponsors TV broadcasts of the games as well as the US track team despite Fuji being the official sponsor. Fuji returns the favor in kind during the Seoul 1988 games of which Kodak is the official sponsor.
- At the 1992 Barcelona Olympics Nike sponsors press conferences with the US basketball team despite Reebok being the games' official sponsor.
- In the greatest ambush marketing feat of all time Nike's man Michael Jordan, Air Sponsorship himself, accepts the gold medal for basketball and covers up the Reebok logo on his kit.
- 1994 Winter Olympics in Lillehammer, Norway: In response to official-sponsor Visa's claims that American Express is not accepted at the Olympic Village, AmEx creates an ad campaign claiming (correctly) that Americans do not need "visas" to travel to Norway. The 1994 Visa- AmEx affair was a continuation of a scrap featuring the exact same campaigns from the 1992 Winter Olympics.
- In 1996, Burger King sponsored the national Olympic team of the United Kingdom whilst McDonald's was an official sponsor of the Olympic Games.
- 1998 World Cup, France: Nike again.
- 2000 Sydney Olympics: Qantas Airlines' slogan "The Spirit of Australia" sounds strikingly similar to the games' slogan "Share the Spirit." Qantas claims it's just a

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coincidence to the sound of official-sponsor Ansett Air helplessly banging its fists on the conference room table.

- 2002 Boston Marathon: Nike strikes again. As adidas-sponsored runners come off the course they are treated to spray-painted 'swooshes' honoring the day of the race, but not the race itself.
- During the 2007 ICC World Cup, Sachin Tendulkar this time, seen endorsing Reliance Communications telecom products. A Hutch official said players taking part in the World Cup are not allowed to endorse the competition of sponsors. Hutch was the global sponsor of the mega event.
- Samsung is "spending more than $100m in marketing to underpin its Olympics sponsorship, with around two-thirds of that amount being ploughed into the UK," the Financial Times reports — a 20% increase over what it spent at the 2008 Beijing Olympics.
- The Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games announced that it had already secured over $720 million in sponsorship fees for the 2010 Winter Olympics.
- The 2011 Rugby World Cup.
- The London Olympic Games and Paralympic Games Act 2006 contains provisions to attempt to restrict ambush advertising at the 2012 Summer Olympics and the London Organizing Committee of the Olympic and Paralympic Games (LOCOG) announced that it would attempt to crack down on the relatively new form of online keyword ambush marketing. A study by the Global Language Monitor found that many non-affiliated brands, such as Subway, Red Bull, and Sony are among the top rated on GLM's Brand Affiliation Index (BAI). The BAI measures the perceived relationship between London 2012 and the particular brand.

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- 2015 Cricket World Cup, New Zealand is planning to enact laws to combat ambush marketing, according to former Sports Minister Trevor Mallard.

Why brands follow ambush marketing?

1. To create an impression of being an official sponsor without paying for it
2. To counterbalance the Olympic commitment of market competitors
3. To set right the campaigns of the sponsors that are misleading
4. If securing sponsorship rights is too expensive or the category is blocked, ambushing is used
5. To be able to use the money saved by not becoming a sponsor, on advertisements

TYPES OF AMBUSH MARKETING

The concept of Ambush Marketing can be understood under the following heads:-

I. Direct Ambush Marketing:-

Direct ambush marketing is an intentional use of symbols and trademarks associated with the mass event so as to give the consumers the wrong impression as to the actual sponsors of the event. Under Direct Ambush Marketing the marketer intentionally tries to claim the benefit of the event. Certain direct ambush marketing strategies are:

- **Predatory Ambushing**: The direct ambushing of a market competitor, intentionally attacking a rival's official sponsorship in an effort to gain market share, and to confuse consumers as to who is the official sponsor. For example, E.g. Amex

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campaign used against Visa during the 1992 Summer Games.One of the most deep-rooted and long-lasting rivalries in marketing occurred between Visa international and American Express. These two card companies had been at war ever since Amex lost the Olympic rights to Visa after the 1984 Los Angeles Olympic Games, and hostilities rumbled on into 1992 and the Barcelona Olympics. In the US, Visa's tag line was 'the Olympics don't take American Express', with images of ticket windows being slammed shut in the faces of American Express card holders. American Express responded in style, pointing out in its own advertising campaigns that 'to visit Spain, you don't need a visa.'

- **Coattail Ambushing**: It is an attempt by a brand to directly associate itself with a property or event by "playing up" a connection to the property/event that is legitimate but does not involve financial sponsorship/ without securing official event sponsor status.In other words, it refers to the unsolicited association of a company to an event. For example, in Beijing Summer Olympics, 2008, following Liu Xiang's injury in the men's 110m hurdles, Nike released a full page ad in the major Beijing newspaper featuring the image of the disconsolate Liu, a Nike-endorsed athlete, and the tagline: "Love competition. Love risking your pride. Love winning it back. Love giving it everything you've got. Love the glory. Love the pain. Love the sport even when it breaks your heart". This affected adidas who were the official sponsors of the event.
- **Ambushing via trademark/license infringement**: The intentional unauthorized use of protected intellectual property. Such properties can include the logos of teams or events, or making use of unauthorized references to tournaments, teams or athletes, words and symbols in a brand's marketing as a means of attaching itself in the eyes of consumers to a property or event. For example, in UEFA European Championships, 2008, betting company Unibet released a series of magazine advertisement in Polish

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magazine, Pitkanoza for online betting on the European Championship, explicitly featuring the words 'Euro 2008' and football in their adverts.

- **Ambushing "by degree" also known as sponsor self-ambushing**: Marketing activities by an official sponsor above and beyond what has been agreed on in the sponsorship contract. For example, an "ambush by degree" of a sports event may involve a sponsor's handing out free promotional T-shirts without the permission of the sports league supervising the event. That sponsor may have already covered the stadium with its signs, or the sports league or participating teams may have made an earlier agreement – perhaps even an exclusive one – to let a different sponsor hand out shirts. In either case, ambush by degree clutters the available marketing space; takes advantage of the participating teams and supervising league to a greater extent than they permitted; and dilutes the brand exposure of official sponsors, including the other promotional efforts of the ambushing company.

II. "Indirect" ambush marketing :-

- **Ambushing "by association":** The use of imagery or terminology not protected by intellectual-property laws to create an illusion that an organization has links to a sporting event or property — This form differs from direct "coattail" ambushing in that there exists no legitimate connection between the event/property and from direct ambush by infringement in that the sponsored event/property has no property rights in the images and/or words that create the illusion.
- **Values-based ambushing:** Tailoring by a non-sponsor of its marketing practices to appeal to the same values or involve the same themes as do the event and/or its promotion, such that audiences attracted to the event or its marketing will likewise be attracted to the non-sponsor's marketing — Essentially a reversal from "push" to "pull"

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of the causal processes through which direct "coattail ambushers" create sponsor/event-unapproved mental association with their products, this form of ambushing differs from "ambushing by association" in that the ambushing business begins by observing the event's promotional scheme and drawing inferences as to its existing thematic content, as opposed to observing the event's audience and creating new thematic content in hopes that consumers will associate the event with the thematic content created.It can be understood as making a direct reference to the event or property's theme or values to imply a link with the event in the mind of the consumers. For example, Puma, in the European Championship, 2008, in order to promote its football line used the tagline, June 2008: Together Everywhere, thus making a direct reference to the event being played that month.

- **Ambushing "by distraction":** Setting up a promotional presence at or near an event, albeit without making specific reference to the event itself, its imagery, or its themes, in order to take advantage of the general public's attention toward the event and the audience members' awareness of their surroundings or it can also be understood ascreating the distraction in or around the place of event, not having any association with the event, in order to gain the attention from the event's audience and thus promote the brand's product. For example, in The Open Championship, 2008, Bentley set up a line-up of the Bentley cars outside Hill side Golf club which is adjacent to the Royal Birkdale, the host course of the Open, which attracted great attraction from the event audience.
- **"Insurgent" ambushing:**The use of surprise street-style promotions (blitz marketing) at an event or near enough to it that the ambushing business can identify and target audience members — The "active" version of "passive" ambushing by distraction, insurgent ambushing not only takes advantage of positive externalities but creates

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negative externalities by intruding upon attendees' experiences of the event and detracting from those experiences' quality.Example: in 2008 French Open- Ronald Garros, K-Swiss ambushed the rivals Adidas and the clothing sponsor Lacoste by setting up a huge purple tennis ball on a crashed car on the major route to Ronald Garros.

- **"Parallel property" ambushing:** The creation or sponsorship of an event or property that bears qualitative similarity to the ambush target and competes with it for the public's attention — An application of "ambushing by distraction" in which the ambusher-marketed product is the event/property itself, thus capitalizing on the main event's goodwill. Parallel-property ambushing does not intrude upon the experience of audience members (who remain free to attend whichever event or patronize whichever property they deem more attractive), but it does divert audience dollars and attendance figures from the preexisting event/property, interfering with the efforts of that event's/property's financial backers to recover their largely fixed production costs. For example, Nike organized a global contest "human race" in 24 countries around the world including Shanghai, where the Olympics, 2008 was taking place, which was continued for 7 days following the Olympics, and gathered a huge international marketing throughout Olympics centered around Nike and the marathon.
- **Pre-emptive Ambushing**: When the official sponsor creates the marketing communication in order to usurp any possible ambush marketing campaigns of the rivals, thus prompting the ambush activities and distracting the focus from any of the other official sponsors of the event. For example, in the European Championship, 2008, Adidas produced 16 inflatable footballers wearing the jersey of each country participating in the event with Adidas logo and stripes including those countries which were sponsored by Nike and Puma.

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III. Incidental ambush marketing:-

This comes into picture when the market communications of a company lead to such incidental ambushing of the official sponsors. It may be done in two ways:

- **Unintentional ambushing:** This is when the consumers incorrectly identify a non-sponsoring company as an official sponsor due to its previous association or due expectation of association with the event. For example, Speedo earned a considerable attention from media as result of success of swimmers wearing LZR racer swimsuits. This portrayed Speedo as official sponsor of the Beijing Games thus creating confusion in the market.
- **Saturation "ambushing:** "Saturation ambushers" increase their broadcast-media advertising and marketing at the time of an event but make no reference to the event itself and avoid any associative imagery or suggestion. A strategic increase in the marketing communication of a product through aggressive marketing in order to maximize the advertisement during the event by maximizing available advertising before, during and after the event. For example, Lucozade, during the Beijing Olympics indulged into aggressive marketing of its products much above its standard marketing featuring athletes and a variety of sports significantly. Saturation ambushing merely capitalizes on the increased broadcast media attention and television audiences surrounding the event.

EFFECTS OF AMBUSH MARKETING

- **Increasing cost of sponsorships:** The increasing cost of sponsorships has also increased sponsor's emphasis on return-on-investment. If sponsored events do not give exclusivity, the sponsor's interest on sponsorship property will be lost and the damage will extend to

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the whole sponsorship market.When a company engages in ambush marketing the exclusivity intended to be conferred through sponsorship to a sponsor is lost.When that exclusivity is lost, the value of sponsorship is also lost. As it is an undeniable fact that corporate sponsorship is one of the biggest money-spinning sources of revenue for the event organizers, the loss in sponsorship value will affect the financial strength of an event organizer.

- **Transgression on the intellectual property rights:** Even when the ambush marketers are not making any direct references to the protected intellectual property rights, they in effect transgress those intellectual property rights by attempting to capitalize on such hard earned goodwill from an event. Direct and indirect references to the event symbol or the event itself are just different means for achieving illegal transgression on the rights of event organizers. Moreover, sponsors cannot get the return they anticipated.

Looking at the various instances and ways ambushing is done, it gives an impression of ambush marketing being a negative practice. So what are its effects on the various entities involved?

Effect of Ambush Marketing on Sponsors

The companies that take the sponsorship do so with the intention or hope of gaining direct access to the audience of the event. But when the ambusher starts using the event as its own advertising medium, and divert the audience's attention, the relationship between the actual sponsor and the audience will be altered. This results in confusion in the minds of the consumers as to who the official sponsor is. Proper identification is usually perceived as a necessary condition for achieving the image objectives that most sponsors assign to sponsorship activities. It is assumed that sponsors are identified through pure recollection, i.e. access to a memory record of event

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sponsor association. However researchers have suggested that there may be more to sponsor identification than just sheer retrieval of the original event sponsor association.

Sponsor identification is measured by recall and recognition. In the case of ambush marketing sponsor identification becomes difficult because ambushers attack the recall value and the recognition by diverting or confusing the audience regarding the brands associated with the sporting event.

This reduces the chances of the sponsors getting benefited through sponsorship. Ambushing mostly affects those sponsors whose products are not advertised openly such as alcohol and tobacco industries. For such companies, involvement in the big events as sponsors is very important but ambushing harms especially these sponsors.

What should the sponsors do?

a. The sponsor should focus on effectively exploiting and leveraging its purchased association with the sports property
b. Sponsoring both the event and the broadcasting of the event
c. There should be detailed sponsorship contracts
d. There should be special laws introduced for major events and Olympic games to protect main sponsors
e. Official sponsors can sometimes bring pressure to bear on the event owners to introduce anti-ambush marketing campaigns.

Effect of Ambush Marketing on the Event Organizers

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The problems that ambush marketing creates for event organizers and right holders include the following:

The more successful marketing measures of ambushers are, the less valuable is the exclusive right of an official sponsor, which depending on the event, can cost millions of dollars in rights fees alone. As such, willingness of potential official sponsors of future events to invest in official rights is considerably reduced. As a result, the sponsoring revenues decline and a cornerstone for financing major sporting events is eroded. Finally the value and reputation of the event itself may diminish.

What should the event organizers do?

a. The event organizer can maintain strict control over tickets by using language prohibiting unauthorized uses, such as giving away tickets as part of a sweepstakes.
b. The event organizer can buy all advertising space that is close to the venues where the sporting events will take place and sell that space only to official sponsors.
c. Official sponsors and/or the event organizer can launch a public education campaign that emphasizes that sponsorship fees are used to help athletes train for events and an aggressive
d. Ambush or Defensive Marketing: Which Strategy Prefer for Advertising? strategy of publicly identifying ambush marketers (although some ambush marketers will welcome this exposure).
e. The event organizer can emphasize what it can offer official sponsors, such as VIP passes and special events that only official sponsors can invite fans to attend.

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f. The event organizer can assemble "teams" to monitor the areas near the venues for ambush marketing activity and have a command center ready to deal with ambush marketing activities.

Effect of Ambush Marketing on consumers

Boosting company image is one of the dominant reasons for firms to get involved in ambush marketing activities. By reaching their target groups in an attractive sportive setting the ambushers use the image transfer process. The effect on the consumer is that they associate the positive event setting with the brand and subsequently transfer the positive image of the event to the brand. The brand image can be defined as "brand perception represented by brand associations held in consumer memory".

The way brand associations affect the consumer can be distinguished in two dimensions:

1. Cognitive : the cognitive component refers to the beliefs and the knowledge a person has of the brand attributes
2. Affective: it is represented by the consumers' feelings towards a brand.
   It has been seen in most of the researches that both are important for brand evaluations. This is also true for ambush marketing.

   Both cognitive and affective image have an impact on consumer's attitude towards the ambusher brand. However it is seen that the affective image component has a stronger impact on the ambusher in the sports event, and the cognitive image component has a stronger impact for atypical sports brands.

   It has also been seen that a high level of consumer confusion regarding a contribution of different categories of sponsors is found that is why in certain cases a

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significant number of consumers do not oppose ambushing practices and they tend to become indifferent at some instances.

Essentials of Ambush Marketing

- Catch your competitors unaware: ambush marketing can be successful for the ambushers if it is a surprise attack. i.e. the competitors are unaware of the intentions of the ambushers.
- Rope in players: as mentioned earlier ambushing in most of the cases is associated with sports events. Some players are considered as Gods by their fans. When such players are sponsored by a brand, its value automatically increases.
- Capture media time: due to some reason if the companies are unable to gain sponsorship rights, they can capture the media time around the event so that they can increase the frequency of their adverts.
- Don't play against the law play with it: till date no specific law exists to regulate ambush marketing. Many claims made by the sponsoring companies have been rejected by the courts since they did not violate any of the laws regarding infringement or copyrights. This shows that successful ambushers have been quite careful in playing with the law and benefited from this marketing technique rather than playing against it and taking risks.

Approaches to ambush marketing

A number of different approaches to ambush marketing have been noted in the marketing communication literature. Variations of the strategy include

1. Running commercials around the event
2. Event theme related advertisements

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Ex: images of bat ball, famous cricketers, cricket stadiums etc in a cricket world cup event

3. Being an official sponsor of the event broadcast
4. Aggressively leveraging a lower-tier sponsorship
5. Purchasing local advertising inserts during the even broadcast
6. Major contests or promotions that co-incide with the event using related themes

AMBUSH MARKETING STRATEGIES:

Five commonly employed ambush marketing strategies as identified by Meenaghan (1996 p106) are:

1. **Sponsoring media coverage of an event**
   Getting sponsorship rights for an event itself does not include associated broadcasting rights. This leads to a scenario where the rivals of the official sponsors often obtain the broadcasting rights and take away the limelight from them in spite of their official status.
2. **Sponsoring a sub category within an event**
   This can be understood through the Kodak and Fuji strategies in 1988 OlympicGames. Kodak secured the worldwide category sponsorship for the games, while Fuji obtained sub-sponsorship of the U.S. swimming team, which it promoted aggressively.
3. **Making a sponsorship-related contribution to a players' pool**
   The rivals of the official sponsors can also sponsor teams or individuals competing within specific events.
4. **Engaging in advertising that coincides with a sponsored event**

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Other than entering into contracts within the event or with teams and individuals, the ambushers can also buy normal advertising time and space that are screend during the interval periods.

5. **Development of other imaginative ambush strategies**
   Ex: non-sponsors handing out coupons and caps to spectators, running good luck and congratulations ads, using world cup tickets in consumer sweepstakes etc.

IS AMBUSH MARKETING ETHICAL?

As far as the question of ambush marketing being unethical or is it just a smart business practice is concerned, it still remains debatable.

There are no strict laws in such cases for ambush marketing, unlike piracy or counterfeiting, ambush marketing cases are rarely actionable, especially if the ambushers know what they are doing. In absence of legislative provisions or precedents, the aspect of morality is often highlighted. Critics call ambush marketing as parasitic marketing claiming that companies are deliberately looking for ways to piggyback on their rivals' sponsorship of major events despite protests from sponsors and event organizers.

To be present on the working end of an ambush marketing campaign, the question is one of ethics. Is ambush marketing an ethical business practice? Is it really as harmful as is alleged?

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The ambusher that gives the impression of involvement without payment is merely serving its own narrow self-interest and in doing so engages in behavior that is harmful to the greater good of sport.

The ambush marketing cases that come into picture are those big brands with massive resources. International brands like Coca-Cola, Pepsi, Nike, HUL, P&G who are equal in race of competition, it is sometimes that ambush marketing is deemed as a last technique to use when no other forms of competition or strategy are available.

AMBUSH MARKETING IN INDIA:

Recently M S Dhoni, captain of Indian Cricket Team was in highlights for reasons relating to ambush marketing clause given in ICC Guidelines during cricket world cup 2011. He was a brand ambassador of Aircel Ltd who is directly in competition with an official sponsor of the world cup Reliance Communications.

The contract said the players were prohibited from appearing in advertisements for companies which were competitors for the sponsoring company. However the contract just became the focus of a controversy and did not see the light of the day.

In recent times the nation has been a witness to hoarding ambush advertisements. Jet airways came up with an ad campaign saying "***we've changed***". To ambush the campaign kingfisher airlines came up with "***we've made them change***" which was further ambushed by go airways saying ***" we've not changed. We are still the smartest way to fly***". The hoardings in this case were placed in the city of Mumbai in a vertical sequence. The campaigns proved to be a funny sight to the city when the opportunity was exploited by Indian railways intending to put down the entire airline industry itself when they said " ***we will never change***". The campaign was put to an

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end by the Mumbai bus service BEST who put the last hoarding above all which said " ***Ab bus karo, warna plane hoarding se crash ho jayega***"

This is a classic case of ambush marketing where each competitor was feeding into the campaign of the other, where the competitors not only belonged to different service category but also had different clientele.

BENEFITS OF AMBUSH MARKETING:

- Ambush advertising helps both brands — leader and challenger — gain instant salience. It raises interest in the category and gets more people talking.
- It makes ordinary content more exciting. In isolation, you wonder what's so 'talk-worthy' about the individual pieces of work.
- The truth is: with ambush advertising, nobody loses. Everybody wins. Both the brands and their companies get lots of free media.
- The advertising agencies win because the client increases spends —more then was planned — and so more revenue!
- Lots of people in the advertising and marketing companies find sudden purpose. This releases energy and creates renewed enthusiasm. The CEOs of both companies spend more time with the concerned brands' heads who therefore get greater OTS (opportunity to see) and visibility.
- The news and trade media, always looking for content, have something to write about. This is like fresh juice. They can now fill lots of columns.
- Media owners are happy because of the sudden increase in media spends.

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- Distribution channels are thrilled — heightened conversation for both brands increases traffic to the store.

As for consumers, they are enjoying all the fuss and are hopeful this will bring prices down — because of fierce competition.

Reasons of existence of the practice of Ambush marketing

There are primarily four reasons as to why ambush marketing despite being an intellectual property infringement has survived

1. Ambush marketing campaigns are short lived: sporting events such as world cups Olympics etc. occur within a short period of time. Therefore it becomes very difficult for the event organizers to exercise their legal options to curtail such activity.
2. Laws exist which may have a general application to the problem of ambush marketing, only a handful of cases have actually progressed through the judicial system. This is particularly true for challenges to ambush marketing using the theory of mis appropriation.
3. The ambushers have been successful in defending themselves from legal challenges against ambush marketing. Ex: In the case of Pepsi and Coca-Cola, during the cricket world cup 1994, coke was the official sponsor of the event but Pepsi ambushed coke by coming up with a catchy tagline "***nothing official about it***". Pepsi got away scot-free by using the popular strategy of issuing disclaimer ***" the company is not an official sponsor and has not paid to affiliate with the event***"
4. Affected parties usually do not take legal help since there is a paucity of case laws regarding ambush marketing and a court decision in favour of an ambushing company could set a precedent that could be used by every other company implementing an ambush campaign.

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SHOULD WE LEGISLATE ON AMBUSH MARKETING?

India is a country where cricket is next to religion. It is by pure chance that an Indian cricket lover may have ever missed the slogan "***nothing official about it***". From 1996 world cup, this slogan became part of advertising folklore. Though coca cola had been awarded the status of official sponsor, the sponsorship was smartly ambushed by Pepsi.

The question now arises, can a non-sponsor, purchase and use advertising space around tournament venues without any official association with the event?

Notwithstanding the fact that huge sums of money are at stake at such mega sports event, the case for legislation does hold a strong ground.

As far as India is concerned, it is on the threshold of hosting major international sports event, there will be calls for official event sponsorship to receive special legal protection.

The second aspect worth mentioning is that the fixation of the determining point is quite difficult. It so happens that sometimes a parody or spoof in most of the cases becomes difficult to prove that it is illegal or a copyright infringement, as most often it is protected as free speech and a form of permissible cultural criticism

Another argument which comes in picture is that in certain cases ambush marketing has a creative and innovative element to it and should therefore be promoted rather than prohibited. Bringing ambush marketing under legal umbrella shall limit freedom and will have negative social consequences.

A coherent and cohesive commercial rights protection programme needs to be developed which covers three essential areas of

1. Protecting event mascots and logos via trademark registrations

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2. Controlling the event venue and locality by keeping it clean of any signage, advertising, promotions.
3. Control of participants, sponsors, media so as to ensure prohibitions against unauthorized use of images etc.

Conclusion:

To conclude, existing laws in India do not provide the ambushed entity or the event organizer a ready remedy. Given that ambush marketing relies on suggested associations rather than real ones, neither trademark law, nor the tort of "passing off" can be used effectively by an alleged victim of an ambush marketing campaign.

REFERENCES:

Dr, Soldner A. (2010). Ambush Marketing vs. Sponsorship Values at the London Olympic Games 2012.*IMR management report "Sports Sponsorship & the Law*"

Melkomian M G. (2010). Ambush Marketing: Law and Ethics. http://www.luys.am/gayaneh_melkomianMc Gill University 2010

www.ideasmakemarket.com/2011/05/ambush-marketing-most-contemporary.html

IIMB Working paper. Impact of Ambush Marketing on Sponsor Identification

http://indialawjournal.com/volume4/issue_4/article_5.html

http://nopr.niscair.res.in/bitstream/123456789/10688/1/JIPR15(6)455-463.pdf

www.slideshare.net The Impact of Ambush Marketing on Consumer Behavior

http://www.eurojournal.com/AJSR_64_02.pdf

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http://www.thehindubusinessline.com/todays-paper/article1111058.ece

http://www.gala-marketlaw.com/joomla4/index.php?option