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AMBUSH MARKETING LANDSCAPE IN INDIA: INNOVATIVE PRACTICE OR PARASITIC MARKETING

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ABSTRACT

The global outreach, sheer size of excited audience and the extreme popularity of the global sports events cutting across the cultures has always attracted the attention of the corporates to be associated with events like Olympics, World Cup and Common Wealth Games etc. The widening fiscal deficit of the governments and dwindling private donations have necessitated the organizers to look for a partnership with the corporates to finance these mega events across the world. The rush and competition for earning the much coveted sponsorship and telecast rights of the events resulted in competitive bidding, exclusivity and sometimes the disappointment for the corporates who lost the legitimate opportunity to be associated with the events. However, this blatant commercialization of the major sporting events introduced a new sort of phenomenon-ambush marketing, where a competitor of the sponsor might come into play illegitimately and create association with the event as well as divert the audience's attention to its business.

Though, the phenomenon of ambush marketing has been limited to the major sports events, but the recent evidences emerging from the various countries suggests that marketers have been using it as an weapon of choice to ambush the marketing campaigns of their competitors, thus widening the ambush marketing landscape beyond the major sporting events. The recent ambush act of Samsung against the Nokia signals the widening landscape of ambush marketing in India and provokes the debate on the relevance of ambush marketing on moral, ethical, judicial and legal grounds. Hence, the present paper makes a critical analysis of the origin and evolution of ambush marketing in India and abroad and explores the dilemma of treating it as a case of innovative practice or parasitic marketing. Finally by analysing the legal landscape of ambush marketing in India and abroad it offers suggestions for the marketers to repulse acts of ambush marketing within the perimeters of legislation in India.

I. Introduction:

The inevitability of competition in business is aptly exemplified in Gause's principle of competitive exclusion: 'no two species can coexist that make their living in the identical way'. The increasing empirical evidences of ambush marketing across the world proves that the competition in business need not be necessarily evolutionary, but rapidly turning out to be revolutionary in nature. The recent incidents of Samsung ambushing the marketing events of Nokia in India resemble the legendary cola war fought across the global market. Though, initially the ambush marketing landscape in India was limited to the national and international sporting events, but the recent ambush act of Samsung against Nokia signals the widening landscape of ambush marketing in India and necessitates the debate on whether it is an innovative practice of marketing or an unjustified case of parasitic marketing in the minds of marketers and academic researchers.

This paper analyses the origin and evolution of ambush marketing in India and evaluates the series of activities considered to be as the act of 'ambush marketing'. This paper also compares the global and Indian scenarios in the incidents and practices of ambush marketing and the available legal frameworks to counter this phenomenon. Finally the paper offers the suggestions for the marketers to defend themselves against the acts of ambush marketing within the perimeters of legal landscape in India.

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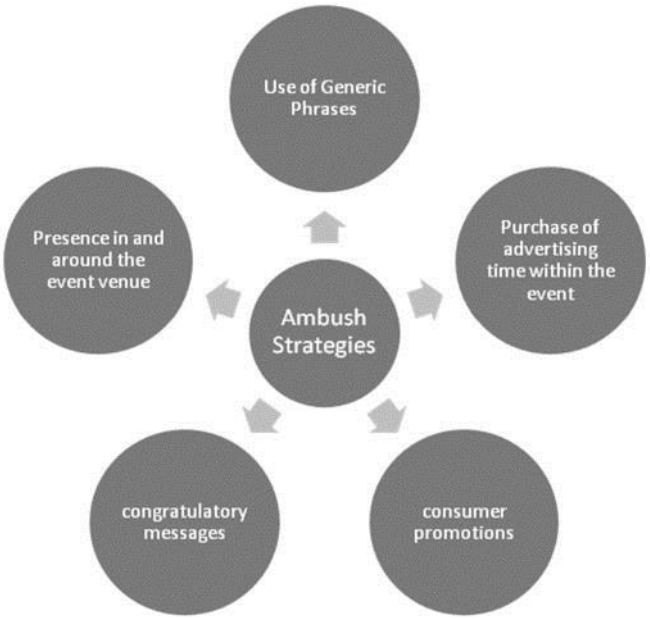
II. The Phenomenon of Ambush Marketing: Origin and Growth:

The humungous growth in the advertising and official sponsorship of the global sports extravaganza coincided with the origin and growth of ambush marketing in both global and Indian scenario. The reasons being sponsorship of the global events will often give the sole rights to the sponsors to advertise their products in an uncluttered scenario and much more effective and better alternative to the mass media advertising. As the popularity of sponsorship of global events increased along with its real and perceived benefits, the competition for getting these coveted rights resulted in higher bidding, more exclusivity and increased disappointment amongst the competitive bidders. Ambush marketing thus arose when companies that were formerly able to associate themselves with certain high-profile events such as the Olympics became excluded from official sponsorship deals, either by way of increased costs or category exclusivities.[1]

Historically, the first incident of ambush marketing can be linked to the 1984 Olympic Games where Fuji of Japan won the official sponsorship rights for the event against its arch rival Kodak of USA. Undeterred Kodak turned the tables against Fuji by getting the sponsorship of ABC network's broadcast of the Olympic Games and became the "official film" of the US track team. If Fuji played the role of a victim of ambush marketing in 1984 Olympic Games, it took its revenge by playing a spoilsport to Kodak in 1988 Olympic Games, where Kodak has won the rights for the event sponsorship. Irrespective of Kodak being the official sponsor of the event, Fuji aggressively pursued its own advertising campaign by promoting the sponsorship of U.S. swimming team. The other famous incident of ambush marketing involved the cola giants like Coca Cola and Pepsi at 1990 Football World Cup, where Coca Cola won the worldwide official sponsorship rights against Pepsi. Unmoved and undeterred Pepsi stole the limelight from the Coca Cola by sponsoring the high profile Brazilian soccer team.[2]



The widening landscape of ambush marketing even forced sport accessories giants like Nike and Adidas at confrontation on the occasion of Olympic Summer Games of 2000. Nike was the official clothing supplier for the Australian Olympic team in 2000 but Adidas ambushed the event and stole the limelight out of Nike by being the individual sponsor of Ian Thorpe, the champion swimmer of Australia. At the 1994 Winter Olympics, American Express which had been replaced as an official sponsor by Visa, marketed itself worldwide with the motto: "If you

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are traveling to the Lillehammer, you'll need a passport, but don't need a Visa".[3] On the other occasion of 1992 Winter Olympics, McDonald's were the official sponsors of the U.S. team, yet Wendy's featured Kristi Yamaguchi, an Olympic champion figure skater, in its advertising.[4] During the 1992 Barcelona Olympics, Nike held press conferences for Olympic athletes it sponsored and displayed large murals of members of the US basketball team on buildings in Barcelona, even though they were not the official sponsors.[5]

In the Indian landscape the first popular case of ambush marketing was witnessed in 1996 Cricket World Cup which highlighted this novel concept in India. During the 1996 World Cup, although Coca Cola was the official sponsor of the tournament, Pepsi ambushed the campaign by coming up with the tagline "nothing official about it". The other interesting incident in the Indian landscape of ambush marketing involved the top domestic airliners. 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".[6] In 2003 the ICC World Cup was held in South Africa, where Philips (a non-sponsor) ran a marketing campaign offering its customers the chance to win travel to South Africa and tickets to watch matches, thereby suggesting that it was associated with the event.[7] However, the latest war was between Hindustan Unilever's shampoo brand "Dove" and Procter & Gamble's shampoo brand "Pantene". P&G launched its intriguing ad campaign for Pantene with the tagline "A mystery shampoo. Eighty percent women say it is better than anything else." A few days later and before P&G could launch the new Pantene, Hindustan Unilever ambushed the campaign by placing an adjacent hoarding with the tagline "There is no mystery. Dove is the No. 1 shampoo."

The cursory glance on the below drawn table would help in understanding the changing landscape of ambush marketing in India and abroad and the same reveals that the theatre of action has not just been limited to the national and multinational sports events, but it is entering into the mainstream of advertising wars amongst the companies.

Year	Event	Ambush Marketing Effort
1984	Summer Olympics (Los Angeles)	Fujifilm was official sponsor; Kodak sponsors TV broadcast and US track team Converse was official sponsor; Nike created murals near Los Angeles Coliseum featuring their sponsored track athletes
1988	Summer Olympics (Seoul, South Korea)	Kodak was official sponsor through the IOC; Fujifilm sponsors the Olympic Games through the Seoul Organizing Committee
1992	Summer Olympics (Barcelona, Spain)	Reebok was official sponsor; Nike sponsors press conferences with US Basketball "Dream Team", and athletes sponsored by Nike (Michael Jordan for one) covered the Reebok logo with an American flag. Visa was official sponsor; American Express ran ads correctly stating that visitors to Spain "don't need a visa"
1994	Winter Olympics (Lillehammer, Norway)	Visa was official sponsor; American Express repeated their previous effort from 1992 with the advertising slogan "If you are traveling to Lillehammer, you will need a passport but you do not need a Visa"
1996	Cricket World Cup (in India specifically)	Coca-Cola was official sponsor; Pepsi countered with the advertising slogan "Nothing Official About It", got further exposure by flying hot air balloons near the venues with the Pepsi logo, and encouraged players who had

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		endorsement deals with Pepsi not to go near Coke drink carts
1996	UEFA Championships (England)	Umbro was official sponsor; Nike purchased all poster space/advertising sites in and around Wembley Park tube station – actions that resulted in UEFA implementing policies to prevent ambushing by renting all advertising media within 1-3km radii of venues at future championships.
1996	Summer Olympics (Atlanta, Georgia)	Reebok was official sponsor; Nike plastered their logo on billboard around the city, and on banners and merchandise handed out to people leaving public transportation headed to the Olympics. Reebok was official sponsor; British athlete Linford Christie wore blue contact lenses incorporating the white Puma's logo in the center during a press conference before the 100m final
1998	FIFA World Cup (France)	Adidas was official sponsor of tournament; Nike sponsored individual teams, including finalist Brazil.
2000	Summer Olympics (Sydney, Australia)	Ansett Air was official sponsor; Qantas Airlines' introduced new advertising slogan "The Spirit of Australia" - was very similar to the games' slogan "Share the Spirit."
2002	Super Bowl (New Orleans, Louisiana)	More ambushing the event rather than an individual sponsor - Proctor and Gamble wanted to get its laundry detergent recognized in conjunction with the Super Bowl. Since they could not use the words "Super Bowl", they decided to have signage placed near the Louisiana Superdome that said "Because there are more than XXXVI (the roman numerals for that year's Super Bowl) ways to ruin your clothes. Enjoy the Big Game."
2002	Winter Olympics (Salt Lake City, Utah)	Anheuser-Busch was official sponsor; Schirf Brewery, a local brewery, advertised on its delivery trucks during the Olympic Games as "Wasatch Beers - The Unofficial Beer. 2002 Winter Games"
2002	Boston Marathon	Adidas was official sponsor; Nike has spray-painted "swooshes" past the finish line honoring the day of the race – not the race itself.
2004	Super Bowl (Houston, Texas)	Coors was official sponsor; Near Reliant Stadium, Coors Light had a billboard that displayed the official NFL logo and gave the daily tally of the number of days to the Super Bowl - across the highway, a Miller Lite billboard touted the message "Our Super Parties, Our Beer" on top of a football and Texas-themed decal, but did not mention the Super Bowl.

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2006	FIFA World Cup (Germany)	Budweiser was official sponsor; Bavaria Brewery provided orange lederhosen to fans attending games – officials made the remove the lederhosen before entering the stadium - fans attracted enormous media attention by disrobing and watching the game in their underwear.
2007	Heineken Cup Rugby (Dublin, Ireland)	Heineken was official sponsor; Guinness flew a branded balloon, tethered to a tree stump in a private garden, over the final of the tournament.
2008	Summer Olympics (Beijing, China)	Adidas was official sponsor; Li Ning (iconic Chinese athlete) lit the torch at the Opening Ceremonies by running around the rim of the stadium while tethered – spectators

Source: Compiled by the authors.

III. Ambush Marketing: Innovative Practice or Parasite Marketing?

Since developed, the topic of ambush marketing has captured attentions from both academic researchers and industrial managers. First, the debate between whether ambushing is a creative tactic or an unethical intrigue never stops. From the corporate perspective, how people think about ambush marketing mainly depends on who they are. Accordingly, the official sponsors of an event will accuse this practice, while their competitors who are not sponsors welcome this practice as a powerful marketing weapon. Besides, the event owners will do everything possible to protect their sponsors from ambush marketing in order to hold the sponsorship relationships.

Despite the prevalence of ambush marketing in the various countries, cutting across the business segments, hardly there has been a unanimous opinion on the ethical connotations of the practice. However, on the basis of ethical assumptions the practice of ambush marketing is seen with negative connotations, but one should not forget that these ethical standards have got no basis in the court of law. As a result, many of blatant acts of ambush marketing go unpunished and on some occasions may prove to be quite legitimate. The review of some of the interesting studies on the theme of ambush marketing would definitely clear the confusion and prejudices about the nature, practices and methods of ambush marketing in India. Meenaghan (1994)[8] is the one who first posed a tricky question of ambush marketing being 'Immoral or Illegal" practice and has set the pace for the academic debate on the same. Conversely, Payne (1998)[9] opined that ambush marketing is a pure case of immoral behavior as it threatens the ability of event owners and official sponsors to sell events or recover investments made by them. Curthoys & Kendall[10] defends the practice of ambush marketing by citing the example of Cathy Freeman's appearance in advertisements for both Telstra and Optus where the former had an official sponsorship rights and the latter an ambusher. Curthoys & Kendall are of the opinion that in order to escape from the ambush marketing, the official sponsors should have got into the agreements with both individual and team sponsorships into well before the bidding for event sponsorships. McKelvey[11] (1994) while defending the other forms of ambush marketing noted that non-sponsors handing out coupons and caps to spectators, handing banners from the nearby tall buildings, running the 'good luck' and 'congratulations' ads, purchasing billboards around the venue, the use of temporary tattoos, or 'body billboards' on athletes are other legitimate forms of advertising.

Sandier and Shani (1989)[12] defines ambush marketing as marketing practice by which "companies try to create the perception that they are associated with an event without actually being a sponsor". Cornwell and Maignan (1998)[13] state that, although the practice of ambush marketing was considered suspicious or even illegitimate, it has involved to an acceptable marketing strategy over the years. Townley, Harrington and Couchman (1998)[14] highlight the dangers posed by ambush marketing and try to develop a strategy to prevent the impact of ambush marketing by controlling the intellectual property, the event environment, and the event partners. McDaniel and Kinney (1998)[15] design an experimental manipulation to find out that ambushing can be effective and that consumers' recall of actual sponsors is fleeting, as well as that ambushers can benefit from purchasing media, which are already perceived and accepted by industries.

O'Sullivan and Murphy (1998)[16] indicate four ethical perspectives including utilitarianism (which

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emphasizes on the consequences), duty-based ethics (which emphasizes on the intentions of the decision maker), stakeholder analysis (which examines the impact of a decision upon a wide range of individuals or groups), and virtue ethics (which places the focus on the person or organization and not on the decision) can provide a framework for the debate on the ethics of ambush marketing. However, in practice, it would be unfair to accuse a company according to the consequences of coincidental ambushing if there is no real intention, while on the other hand whether there is real intention of ambushing cannot usually be perceived.

In summary, there seems to be deviation between researchers' and stakeholders' focus on ambush marketing: researchers tend to find out the nature of ambush marketing and the effectiveness of different ambushing tactics, while stakeholders tend to discuss how to prevent or react to this sort of actions. And it is very important for marketers to learn what researchers have found in ambush marketing to either design relevant strategies or better react to the impact of it; as well it is benefit for researchers to learn what issues marketers are concerning and what language they are using in the content of ambush marketing.

IV. Ambush Marketing Landscape in India: The Imperative of Legislation.

The reasons for the ambush marketing of companies are diverse, but the same can be clubbed under four main important factors explained as under. **Firstly,** the lifespan of an ambush marketing campaign is very limited and short as they just focus on certain international sports events like Olympics, world cup, super bowl and commonwealth games etc. which are conducted once in a while that too for a short period of time. Hence, it becomes difficult for the event organizers and official sponsors to initiate any legal recourse to repulse any potential ambush marketing campaign. **Secondly,** the existing gaps in the legal and judicial landscape of a country, gives the encouragement for the ambush marketing. Moreover, because of the gaping holes in the legal framework and the amount of time, resources, effort, money and energy needed for the relentless perusal of the culprits makes it a distant possibility of punishment. **Thirdly,** the ambush marketing campaign is not designed and implemented by any amateurish or greenhorns of the marketing community, but are well crafted, designed and implemented by the marketing veterans who are seasoned and savvy enough to protect themselves against any legal recourse. **Fourth** and finally, the halfhearted attempts and reluctance of the event organizers to resort to any serious legal recourse sends an open invitation to the ambush marketers. The organizations involved in hosting and conducting of sporting events are reluctant to sue due to the fear of alienating the large corporations who although, not current sponsors, might want to sponsor the event in future.[17]

Irrespective of these above mentioned reasons and legal loopholes there are some cases which came to court to punish the offender of ambush marketing, but the defendants are successful evading the liability of ambush. But certain vigilant countries like Australia, England, New Zealand, Brazil and Canada have initiated their own laws to deal the increasing instances of the ambush marketing. The details of the legal landscapes available in the various countries have been explained as under.

The prevalence of wide safety measures adopted by the various countries across the continents showcases the imperative of adopting certain legal constraints against the ambush marketing to prevent the sabotaging the national and international events in a marketing war. Because an event of national and international scale remains an catalyst for invigorating economics and sports systems as well as tourism giving an huge impetus to the economic growth of a country. Moreover, with the increasing phenomenon of fiscal deficit of the countries, it becomes too difficult to conduct events of such scale with the public money. As India prepares to host multiple major international sporting events in the next few years, the controversial practice of "ambush" marketing will come under the scanner. Therefore, it becomes imperative to protect the commercial interests of the sponsors who are literally the lifeblood of any national and international event.

Moreover, it cannot be denied that sponsorship involves a commercial agreement between the company and the event organizers to promote their mutual interests whereby in return for a financial contribution, the company is allowed to use of their name in the various activities of the event. If the organizers are unable to put to rest the threat of ambush marketing, it shall scare sponsors away from such events in future. Prospective sponsors must be able to trust the organizer and the environment in which the event is to be held. To assure the sponsors

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safety in this regard alone, special legislation focusing on specific events of national importance is justified. The eventual success of the law will reflect in the success of events protected and fostering of an environment that promotes many more similar events in India. Importantly, if one is to reconcile the public interest with limits on freedom and curbs on creativity and innovation engendered by an anti-ambush marketing law, the protected event should not lose the spirit of the staging in trying to enforce laws with hyper-technical precision.[23]

Sl. No	Name of the Country	Act/Law Passed	Legal Implications
1	South Africa	Trade Practices Act, 1976 (Section D) & The Merchandise Marks Amendment Act 2002	"No person, shall in connection with a sponsored event, make, publish or display any false or misleading statement, communication or advertisement which represents, implies or suggests a contractual or other connection or association between that person and the event.[18] Defines 'event' and 'protected event' and authorizes the Minister of Trade and Industry to protect certain events.
2	Australia	Sydney 2000 Games (Indicia and Images) Protection Act, 1996 and New South Wales Olympic Arrangements Act 2000. Melbourne 2006 Commonwealth Games Protection Act 2005.	All these games specific laws were enacted to prevent ambush marketing and provide for clean games venues to equip Australia for future sporting and large marketing programmes. They also banned the unauthorized use of trademark that contains or consists of any of the marks of the Olympic motto, symbol, torch and any other design related to the Olympics registered as an artistic work.
3	New Zealand	Major Events Management Act 2007.	Prevention of the unauthorized commercial exploitation at the expense of either a major event organizer or a major event sponsor.[19]
4	China	Protection of Olympic Symbols Relations Act 2002.	Protects Olympic symbols and names, but also includes an anti-ambush marketing clause.[20]
5	England	London Olympic Games and Paralympics Games Act, 2006.	Controlling of trading and advertising in the vicinity of Olympic event and grants the exclusive rights to the official sponsors. This law also mentions that any person who is not authorized to make a representation that may create an association between that person or company and the London Olympic Games in the mind of the public will be in breach of the Act and is punishable by fine.[21]
6	Brazil	Civil Code and the Industrial Property Law	Prohibits any act that may cause unlawful enrichment or unfair competition practice, which includes undue association of a non-sponsor to a sport or cultural event.[22]

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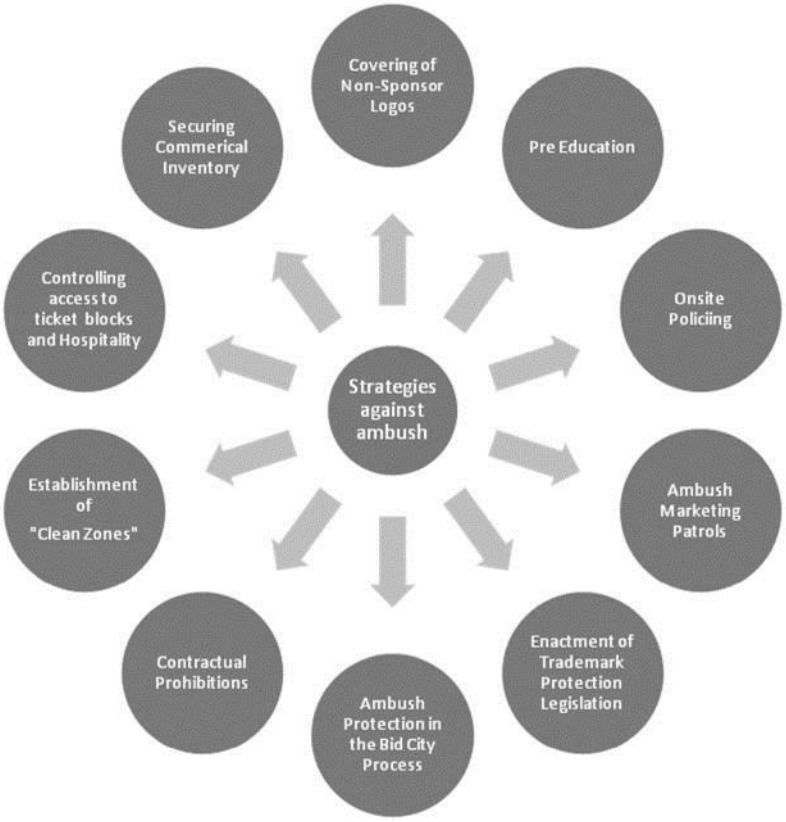
7	Canada	Olympic & Paralympics Marks Act 2010. (Bill c-47)	Ensuring protection of trademarks related to the Olympic Games and protection against certain misleading business associations.

Source: Compiled by Authors.

V. Repulsing of an Ambush: Strategies against Ambush Marketing

Irrespective of whether ambush marketing is right or wrong on the ethical grounds, it becomes imperative to acknowledge that the sponsors are the lifeblood of any event and have legal rights and ethical obligations to shareholders to maintain the salience of their brands during sports events. Being cornered between the aggressive ambush marketers and the limited legal solace from the courts, event organizers and corporate marketers have resorted for developing more effective sponsorship protection strategies. This sponsorship protection roadmap can be divided into ten overarching avenues, discussed in turn below.



1. Pre-Event Education:

Many event organizers are implementing proactive approach toward the experiment of ambush marketing through pre-event education and public relations initiatives implemented well in advance of the event. These initiatives are conceived to make sure that both consumers and companies involved in marketing understand the differences between official sponsors and ambush marketers, as well as the legal rights of the event organizer. This pre event education imparts the details of the event to the target audience & the sponsors by the way of press release, press conference & a small video clip which is released in the media. Other pre-event education measures used by more proactive event organizers include the production and dissemination of video news releases to the media,

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designed to generate stories about event organizers' intellectual property rights protection programs, as well as initiatives to publicize legal actions. Event organizers are also increasingly conducting "sponsor brand protection workshops" designed to educate sponsors about what they can do to assist in the ambush marketing protection process.[24]

2. Ambush Marketing Patrols:

No other anti-ambushing strategy is more effective than the onsite policing of the event venues to counter the unexpected threats of ambush marketing incidents. But the flip side of this strategy is that an aggressive onsite policing may draw the negative publicity to the event, sponsors and alienate the

very fans whose presence and cooperation is very crucial for the success of an event. Hence, while aggressively patrolling the ambush marketing patrols, the event organizers need to be very much sensitive to these issues and should avoid any such unsavory incidents to protect the reputation of the organizers and the sponsors of the event.

3. Covering Non-Sponsor Logos:

In order to avoid any such remotes chances of being ambushed on the venue of the event, some of the organizers are going to greater length remove the presence of any non-sponsors logos or identification in and even on nearby venues of the event. Though, this strategy and task looks very cumbersome, but the prior securing of the strategic places of advertisements in and around the venue will help to implement this strategy.

4. Securing Commercial Inventory:

The prior purchase of all available advertising space and commercial inventory in and around the venues is one of the most effective methods of deterring the prospective ambushers practiced all across the world. For example, before the Olympic Games in Athens, the organizers have spent a small fortune in clearing the 10,000 billboards in and around the Athens. Taking a cue from the organizers of Athens Olympics, the organizers of Beijing Olympics adopted the same strategy of purchasing of the entire available commercial inventory around the Olympic village.

5. Controlling Access to Ticket Blocks and Hospitality Opportunities:

The denial of access to tickets and hospitality suites to the non-sponsors is one of the most popular strategies to counter the threat of ambush marketing. While implementing this strategy, the event organizers will prohibit the non-sponsors from purchasing large blocks of event tickets or suits and access to hospitality opportunities. But the efficacy and success of the tactic depends on the market forces of demand and supply as well as the operational logistics to implement the same.

6. Establishment of "Clean Zones":

The establishment of "Clean Zones" through the legislations passed by the host city or government has been one of the most important strategies to adopt for countering the threats of ambush marketing. Under this strategy, the sponsors will pressurize the host cities or the governments to pass an ordinance to establish "clean zones" to protect the event organizers and their official sponsors from unauthorized businesses ability to engage in ambush marketing.

7. Contractual Prohibitions in Participant Agreements:

Another way in which event organizers have limited the potential for ambush marketing activity is through contractual prohibitions inserted in participant agreements. An often relied upon loophole by ambush marketers has been the commercial use of athletes with whom the companies have individual endorsement deals. These deals often conflict with the event's official sponsors. Event organizers have, however, become increasingly savvy in closing this loophole through language in participant agreements. In addition to the restrictions placed on participants and coaches, an increasingly common practice to combat ambush marketing is the placement of restrictions on the spectators attending the event.[25]

8. Ambush Protection in the Bid City Process:

To successfully bid for the Olympic Games, a city needs to comply with rules established by the IOC. Each city is thus required to provide its strategy for preventing ambush marketing. The city which is claiming to host the Olympic Games should honour the commitments that all signage on subways, buses, airports, transit

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platforms to be made available to the official sponsors from the four weeks preceding the games to the two weeks following.[26] Hence, event organizers and sponsors of the event can counter the threat of ambush marketing by seeking protection under the bid city process.

9. Enactment of Trademark Protection Legislation

An increasingly important tactic used to strengthen an event organizer's arsenal against ambush marketing is the passage of special trademark protection legislation by the host country or city. Such legislation is the result of conditions that are incorporated into an event organizer's documents dictating the terms under which a prospective country or city may be awarded the event. This tactic has been

most often associated with host countries of Olympic Games.[27] However; enacting special trademark legislation is not a phenomenon unique to the Olympic Games. In fact, "it is now common practice for organizers of major events to require appropriate ambush marketing protections to be implemented as a condition for hosting the event.[28]

VI. Conclusion:

The present ambiguity and loopholes in the legal landscape in countries like India makes the ambush marketing as a low hanging fruit for the marketers, but poses formidable challenges to the event organizers and the official sponsors of the mega events. Though, the increasing incidences of ambush marketing have taught a new range of strategies and tactics to the event organizers and sponsors, but they cannot totally rule out the possibility of being ambushed from the competitors. Because it would very unrealistic and naïve to assume that the above mentioned strategies could be the "silver bullet" against the practices of ambush marketing, as some countries which value the concept of free enterprise and their courts likely to treat the view of practice of ambush marketing through a lens of "commercial pragmatism" or "innovative practice" and put a heavy onus on the event organizers to prove the illegality of these activities of ambush marketing. While the strategies examined in this article provide organizers of special sport events with some measure of sponsorship program protection against nonsponsors, the legal grey areas and practical loopholes that surround the practice of ambush marketing make it impossible for event organizers to ever entirely eradicate it. Ultimately, and ironically, it is the mere threat of ambush marketing that serves to benefit event organizers by keeping them vigilant in their efforts to protect the investments of their official sponsors.

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