

MAJOR EVENTS MANAGEMENT ACT 2007

The Major Events Management Act 2007 (MEMA) contains special protections for the Rugby World Cup 2011 ('RWC 2011'), to prevent unauthorised commercial exploitation of the Tournament and to ensure its smooth running. This piece of legislation has a number of consequences for retailers, particularly for those wishing to run advertising or promotional materials which reference RWC 2011.

The MEMA was primarily passed in order to protect against so-called 'ambush marketing'. Ambush marketing refers to activities undertaken by non-sponsor organisations which implies that they, or their products or services, are associated with a sponsored event when this is not the case. Generally, ambush marketing takes the form of advertising or promotional materials.

In order to prevent this type of activity, the MEMA prohibits suggesting an association with RWC 2011 unless authorised to do so (such as by being a commercial partner of RWC 2011), or unless

one of the other exceptions set out in the MEMA apply. Importantly, the concept of an unauthorised 'association' is a wide one and is not simply limited to the false suggestion of sponsorship. An association is anything that suggests a relationship of connection with RWC 2011 such as approval, authorisation, sponsorship, or commercial arrangement. The MEMA also provides for a presumption that an association is suggested where certain declared words and emblems – such as the words 'Rugby World Cup', 'RWC', the RWC 2011 logo or the Webb Ellis Cup image – are used. This prohibition (along with other provisions of the

MEMA) has important consequences for retailers wishing to capitalise on the tournament.

Advertising and promotions

As a general rule, only RWC 2011's commercial stakeholders can refer to RWC 2011 for advertising or promotions – or in connection with goods or services – as this is likely to suggest an association with RWC 2011.

Similarly, offering RWC 2011 products as prizes is likely to suggest an association with RWC 2011. The right to offer RWC 2011 tickets for promotional purposes is a right reserved exclusively for certain

commercial stakeholders.

Entities wishing to undertake specific RWC 2011 promotions are therefore likely to be prohibited from doing so by the MEMA, unless this promotion is led by a RWC 2011 commercial stakeholder. Generic rugby or New Zealand-themed advertising and promotions will not generally suggest an association with RWC 2011 and will therefore usually be permissible.

When undertaking promotions with RWC 2011 commercial stakeholders, it must be clear that the official stakeholder – and not the business – is associated with RWC 2011 (see figures 1 & 2 on page 19).

Window dressing and in-store decoration

Many retailers will be looking to dress their stores in the lead-up to RWC 2011.

Generic rugby or New Zealand-themed window dressings and in-store decorations are not likely to suggest an association with RWC 2011 and are therefore generally able to be undertaken without the permission of Rugby World Cup Limited (see illustration 3 on this page).

However, the use of RWC 2011-specific words or emblems (such as the words 'Rugby World

Businesses in 'clean zones'

The MEMA also contains specific provisions regarding 'clean zones' around RWC 2011 venues. Within these zones, trading and advertising (unless conducted by RWC 2011's commercial stakeholders) is prohibited – as is advertising visible from within the clean zones and advertising on 'clean transport routes'. An announcement regarding precisely where the 'clean zones' and 'clean transport routes' will be, and how long they will be in force, is expected later this year.

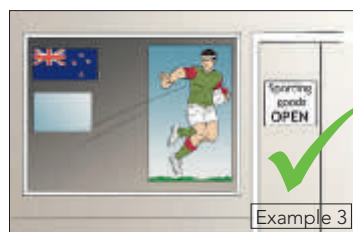
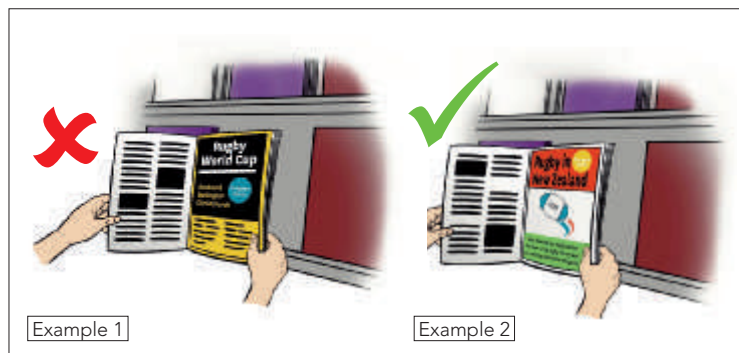
The right to offer RWC 2011 tickets for promotional purposes is a right reserved exclusively for certain commercial stakeholders.

Cup', 'RWC', the RWC 2011 logo or the Webb Ellis Cup image) in window dressings or in-store decorations is likely to suggest an association with the tournament. As such, they can generally only be undertaken with the permission of Rugby World Cup Limited.

Plans are in place for a number of community engagement programmes which businesses will have the opportunity to participate in – to show their support for the tournament and connect with their local community. As part of these programmes, decoration material (official licensed product) will be available for purchase for retailers to use at a low cost. This will make it easier for retailers to show their support without risk of breaching the MEMA. More details about these programmes will be released this month.

These restrictions are unlikely to affect the majority of businesses operating within clean zones who simply wish to carry out their ordinary business. Usual and pre-existing signage will not need to be covered up and businesses can continue to sell their existing products. The provisions are essentially designed to ensure that entities are not able to undertake new additional advertising simply to obtain increased brand exposure due to proximity to RWC 2011 events.

Rugby World Cup Limited and the Ministry of Economic Development, the government department responsible for the administration of the MEMA, have put together a guide to the MEMA which aims to provide easy-to-understand, practical examples of how the MEMA will work. This Guide is available to download from the official RWC



Example 1 Only RWC 2011's commercial stakeholders can refer to RWC 2011 for advertising or promotions.

Example 2 Generic rugby or New Zealand-themed advertising and promotions will usually be permissible.

Example 3 Generic rugby or New Zealand-themed window dressing and in-store displays are not likely to suggest an association with RWC 2011 and will usually be permissible.

2011 website at: rugbyworldcup.com, under the 'Media Centre' tab. Retailers wishing to learn more about the MEMA are strongly encouraged to familiarise themselves with this guide and the MEMA before developing their RWC 2011 marketing strategies. ■

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