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AMBUSH MARKETING IN SPORT: AN ASSESSMENT OF IMPLICATIONS AND MANAGEMENT STRATEGIES

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INTRODUCTION

Over the past 25 years, ambush marketing has become a growing concern for sport organizers, rights holders, and official sponsors. As sport sponsorship has grown in importance over time, so too have the efforts made by unassociated brands to capitalize on the benefits and value provided by sport. With the world's attention expected to be captured this summer by major sporting events in Austria and Switzerland and Beijing, the threat posed by ambushing has never been as relevant as now. Moreover, in the United Kingdom, as the London 2012 Olympic Games approach, the need for marketers, sponsors, and officials to acknowledge, understand, and defend against ambushing cannot be understated.

Ambush marketing first gained recognition at the 1984 Los Angeles Olympics, as a result of the International Olympic Committee's restructuring of their sponsorship platform in the early 1980s. Prior to Los Angeles, Olympic sponsorship was organized on an open, unrestricted basis, allowing interested parties to associate themselves with the event at a cost. The result of this original sponsorship scheme was an unlimited number of Olympic partners tying themselves to the event, reaching as many as 628 'official' sponsors at the 1976 Montreal Summer Olympics, which, although providing financing the Games, also meant the dilution of the Olympic brand, and smaller impact for, and awareness of, official sponsors (Shani & Sandler, 1998).

Stemming from financial constraints experienced in the late 1970s and early 1980s, the IOC had sought to reform their sponsorship programme for the Los Angeles Games. In an effort to provide greater value for sponsors and generate greater revenue for Olympic organizers, the IOC instituted a product category, exclusivity-based sponsorship plan in time for the 1984 Games. However, despite encouraging greater investment from official sponsors, and the Los Angeles Games being one of the most profitable and financially successful Olympic Games (Shani & Sandler, 1998), granting exclusivity also opened the door to ambush marketers seeking to capitalize on the event, as they were no longer able to do so legitimately. In subsequent years, as sport sponsorship has grown in importance and sophistication, so too has ambush marketing emerged as a distinct threat to sponsorship value.

Unfortunately, while research on ambushing marketing has taken steps towards identifying and exploring the issue in greater detail, considerable confusion about ambushing remains, and the existing strategies to combat it have yet to match the sophistication and creativity of ambushing campaigns. As such, the Centre for the International Business of Sport (CIBS), at Coventry University, has begun a major research project into ambush marketing, aimed at identifying the effects of ambushing on sponsorship, and the measures available to official

sponsors, partners, suppliers, and commercial rights holders, to combat the ambushing of sport sponsorship for future events. As part of this study, a number of key themes and management practices for dealing with ambush marketing have been identified, providing a foundation of understanding for ambushing over the past two decades.

DEFINING THE AMBUSHING PROBLEM

Typically, past research studies have been hindered by a lack of clarity surrounding ambushing, both practically and academically. Often marketing activities more closely related to guerrilla marketing, parasitic marketing, or simply examples of creative marketing, are declared ambush attempts, further confusing the definition and existing discussion. As a result, researchers and practitioners have struggled to come to an agreed definition of ambushing, often relying on out-of-date, and sometimes misleading, definitions from past works. Given this uncertainty about the nature of ambushing, we propose a new definition upon which to build, drawing from past works and current practices in ambushing and sponsorship:

“Ambush marketing is a form of strategic marketing which is designed to capitalize upon the awareness, attention, goodwill, and other benefits, generated by having an association with an event or property, without an official or direct connection to that event or property.”

Within this context, sponsorship ambushing has historically taken place at major sporting events, and often has been seen as being directly related to competition between major brands (such as Nike/Adidas, Visa/American Express, or Pepsi/Coca-Cola). Campaigns have often made use of sporting imagery or themes, used vague or misleading wording, and been positioned strategically to reinforce the intended misassociation. Ambush efforts have often led to television commercials, on-location promotions, and outdoor media usage, all designed to link a brand to an event or property, in the absence of an official connection to the event.

While ethically such efforts have been questioned in the past, from a managerial perspective the dangers presented often outweigh the potential moral implications. Most disconcerting for sponsors, ambush marketing aims to impact the visibility and awareness sought from an official sponsorship, cluttering the market and causing consumer confusion as to who is an official sponsor. By drawing consumers' attention away from sponsors, ambushers also hope to benefit from the goodwill afforded to sporting events, negatively impacting a sponsor's investment and the effectiveness of their own promotional campaigns (Meenaghan, 1994).

Equally worrying for properties and rights holders, ambush campaigns ultimately devalue sponsorship by adding to the clutter and confusion surrounding sponsorship, hurting revenue generation. Intuitively, official sponsors are unlikely to pay excessive rights fees for official status while competitors gain the same benefits without official links. Likewise, events and properties must be aware of the lack of control over their own brand caused by ambushing. Rights holders must be concerned with the negative image surrounding ambushing, and the effect image association has on their own value and goodwill. Unlike official sponsorship, which allows rights holders to control the parties associated with their brand and protect against undesirable affiliations, ambushing allows any third party the opportunity to tie themselves to a property, creating a potential risk for the host brand's value.

With these concerns in mind, the first phase of this research has been aimed at developing an understanding of the counter-ambush strategies employed over the past 25 years by rights holders and sponsors, as a means of comprehending the evolution and sophistication of such tactics. A documentary analysis was undertaken, identifying high-profile and international cases of ambushing, from which a number of key themes and common traits have emerged; this provides a new perspective into the issues posed by ambushing, and how better to defend against the attempts of marketers ambushing sponsorship.

LITERATURE REVIEW

In analyzing the existing research on ambush marketing, three main themes within the literature emerge: the impact of ambush efforts on consumer recognition and recall of sponsors (Shani & Sandler, 1989; Meenaghan, 1998); the ethical considerations and implications of ambushing (Meenaghan, 1994; Payne, 1998); and the legal framework surrounding ambush marketing, and potential defences against it (Townley, Harrington & Couchman, 1998; Farrelly, Quester & Greyser, 2005). While this research base has provided an initial understanding of the concerns surrounding ambushing, it remains a largely underdeveloped field.

The earliest research on ambush marketing, by Shani & Sandler (1989), provided the background to the ambushing discussion, outlining its historical relevance, as well as providing a look at the various means taken by ambushers for the 1984 and 1988 Olympics (e.g.: broadcast sponsorship, Olympic team sponsorship, etc). Within this discussion, Shani & Sandler identified a key consideration for marketers and sponsors, noting that the aim of ambushers is to confuse and distract consumers from official sponsors. As such, their study attempted to quantify the success of ambushing, citing the recognition and recall of

consumers and Olympic visitors of official sponsors, versus their ambushing competitors.

Following this study, the focus on consumer recognition/recall of sponsors has become a common trend in measuring the success of ambush marketing efforts, emphasizing the threat posed; studies by Lee, Sandler & Shani (1997) and Lyberger & McCarthy (2001), for example, took a similar approach, using consumer-based methods to study ambush marketing, further stressing the importance of consumer constructs such as knowledge, awareness, and opinion of sponsorship. However, as Crompton (2004) argued, the effectiveness of such studies is limited, finding instead that recall/recognition studies are disingenuous and misleading, over-emphasizing the importance of brand popularity or recognition, rather than actual sponsor recall.

Alternatively, Meenaghan's (1994) discussion of ambush marketing took a more pragmatic approach, focusing on the impacts of ambushing on sponsorship and highlighting the potential threats posed by ambushers. In arguing the ethical concerns surrounding ambushing in sport, Meenaghan (1994) identified two major threats to sponsorship: that ambush marketing (1) threatens the integrity of major events; and (2) may ultimately undermine the financial viability of major events by devaluing sponsorship. As such, Meenaghan proposed a number of counter-ambushing strategies, including the need to better leverage sponsorships – noting the importance of official sponsors protecting themselves from ambushing opportunities – and the value of linking event sponsorship with television and other media sponsorships. Also highlighted were the potential for legal recourse and legislation to be used, important in protecting events against trademark infringement or passing-off.

Unfortunately, while measures such as these have been proposed by researchers, there exists a dearth of research meaningfully addressing the strategies and means available to counter ambush marketing. Throughout the literature, considerable focus has been given to the legal means available to combat ambushing; unfortunately, as Hoek & Gendall (2002) noted, the success of legal initiatives against ambush marketing has been marginal. In approaching ambush marketing from a legal perspective, the authors find ambushing as a marketing study irrelevant, arguing instead the legal ramifications of such strategies to be of greater consequence. Studying two cases of alleged ambushing in New Zealand, the authors found that cases of ambush marketing are difficult to prove, and note that most ambushing efforts fall outside the law; while intellectual property rights laws protect against some forms of ambushing, the authors conclude that ambush marketing, while a commercial irritant, has no status outside the scope of marketing – when done successfully.

Lans Retsky (1996) and Coulson (2004) further explored the legal framework surrounding ambush marketing, highlighting the proposed use of legal recourse as a legitimate course of action for rights holders. Lans Retsky (1996) made note of the care and precision taken by ambushers to avoid illegal campaigns, yet property rights holders may succeed in proving misappropriation of goodwill or unfair competition, protection offered in American law under the Lanham Act or the Amateur Sports Act (1978). Coulson (2004) also notes the importance of misappropriation in defending against ambushing, underlining the difficulties faced by organizing bodies such as UEFA in proving not only an activity which constitutes misappropriation, but also that said activity has caused a tangible and measurable damage.

Despite this discussion, a number of other general criticisms can be made of ambush marketing research to date: first, while the ethical and moral considerations of ambush marketing are an important concern for marketers, such studies have provided little evidence or suggestion of means to counteract ambushing, rather choosing to debate the merits of such strategies. Second, while a number of counter-ambushing methods have been suggested (Meenaghan 1994, 1996; Hoek & Gendall, 2002; Townley et al., 1998), as noted these strategies have yet to be meaningfully tested or explored, save those involving legal or legislative protection.

Likewise, although the discussion of ambush marketing is firmly and necessarily rooted in the discussion of sport sponsorship, there is a dearth of research into the actual impact of ambush marketing on sponsorship itself, from a practical, managerial, and strategic perspective. Without further consideration of the importance of ambushing in this light, and without a greater understanding of the actual impact and consequences of ambush on sponsors and sponsorship, it is impossible to know the need for, and means of, countering ambushing activities.

METHODOLOGY

In order to address a number of the issues raised within the existing research base, the Centre for the International Business of Sport has compiled a unique database of ambush marketing attempts in, and of, sporting events. The database, comprising in excess of 300 known instances of sport sponsorship ambushing, highlights the attempted measures taken by both ambushers and sponsors or rights holders over the past 25 years, providing a look at counter-ambushing strategies from a historical perspective.

The study itself has been designed as a dynamic process, allowing for the database to continue to grow and for cases to be added and further conclusions to be drawn. Currently, more than 300 high-profile cases of

ambush marketing have been documented and analyzed, identifying the year and location of the incident, the sporting event or property, the ambushing party, the ambushee (when specifically stated or targeted), the attempted ambush activity, and the counter-strategy employed – where applicable. Subsequently, in outlining and exploring these incidents, a number of key themes within ambushing have been identified, including legal, legislative, and marketing strategy-based efforts.

The documentary analysis undertaken has drawn from more than 500 news and media sources, including peer-reviewed journal articles, print media, web-based news services, and legal documentation. After meeting to identify common observations and themes within their analyses, an agreement on key themes and findings was determined by the research team, providing a platform on which to build further ambushing studies. Considerable emphasis within the analysis was placed on those ambushing attempts involving the ambushing of direct competitors, incidents drawing international media coverage, multi-national promotional campaigns, and those attempts which garnered preventative or reactionary counter-ambushing efforts. While countless other ambush attempts have been made at events such as the Olympics or the World Cup during this time, the emphasis on profile, media coverage, implications, and relevance have provided certain parameters for the database.

It should also be noted that cases used within this analysis have been from only English- and French-language sources. Given the dynamic nature of the study, this database will continue to grow and evolve as further cases are identified and explored, and as new ambush marketing strategies are employed. In moving forward, a broader, more international perspective may provide even greater insights and add to the discussion of counter-ambushing strategies. However, for the purposes of this preliminary work, such an expansion was not feasible, and the focus has been placed on English and French sources (languages spoken by the research team).

Finally, some debate or discussion exists as to what rightly should be considered an act of ambush, and what should be seen as simply a legitimate competitive practice. Given the marketing clutter surrounding contemporary sporting events and sponsorship, it is difficult to argue convincingly the intentions of marketers and brands involved. As such, this study has attempted to avoid the on-going discussion of the ethics of ambushing, instead taking the approach of defending sponsorship, and acknowledging the need to protect rights holders and sponsors from ambushing, whether as a legitimate competitive practice, or as an unethical and offensive act.

YEAR	EVENT	AMBUSER	AMBUSHEE	ACTION TAKEN/ATTEMPTED
2006	FIFA World Cup: Germany	Bavaria Brewery	Budweiser	Stadium officials forced fans to remove Bavaria’s promotional wear - orange lederhosen promoting Bavaria - and watch the game in their underwear.
2002	Winter Olympics: Salt Lake City, Utah	Schirf Brewery	Anheuser-Busch	Schirf Brewery, a brewery local to Salt Lake City, advertised on its delivery trucks during the Olympic Games as "The Unofficial Beer. 2002 Winter Games"; by not using Olympic-trademarks or copyrighted material such as "Olympics" or "Winter Olympics", Schirf's ads were legitimate and legally allowable.
1996	UEFA Euro 1996: England	Nike	Umbro	Nike purchased all poster space/advertising sites in and around Wembley Park tube station as a means of promoting the brand during the event; these actions sparked UEFA's pre-emptive measures taken for Euro 2000 and tournaments since (renting all advertising media within 1-3km radii of venues).
1996	Summer Olympics: Atlanta, Georgia	Nike	Reebok Converse	Nike took out an 8-page advertising spread in Sports Illustrated, using Nike-endorsed Olympic athletes, and <i>slightly</i> altered official Olympic slogans; Reebok responded by publicly shaming Nike, and speaking out against such practices.
1996	Summer Olympics: Atlanta, Georgia	Nike	Reebok Converse	Nike constructed a Nike store outside the athlete’s village with large, highly visible logos, in an attempt to gain association with the Olympic Games. The complex was highly visible throughout coverage of the Games, and became a visitor attraction around the venue.

1996	Summer Olympics: Atlanta, Georgia	Telecom New Zealand	New Zealand Olympic Team Bell South Commonwealth Games Association	The New Zealand Olympic Association sought an injunction in court against Telecom New Zealand for using the work “ring” in their advertisements, in the context of the Olympic rings; the judge ruled against their claim as the public did not sufficiently make the link between Telecom New Zealand and the Olympics to constitute passing-off.
1992	Summer Olympics: Barcelona, Spain	American Express	Visa	American Express ran advertisements correctly stating that visitors to Spain ‘don’t need a visa’; Visa took no official action, and American Express publicly defended their advertising campaign as legitimate and not ambushing.
1990	National Hockey League: Canada	Pepsi Cola	Coca-Cola NHL	With the permission of official broadcast advertiser Molson Breweries, Pepsi ran advertisements during CBC NHL broadcasts announcing a “pro hockey pool” endorsed by commentator Don Cherry; the NHL filed a lawsuit against Pepsi for attempted passing off, however the court ruled against the NHL, ruling that Pepsi’s goods/services in this case were not sufficiently tied with the claimant to constitute passing off.
1984	Summer Olympics: Los Angeles, CA	Nike	Converse	Nike developed murals near the Olympic Games sites featuring Nike-sponsored track athletes, visible from within the Los Angeles Olympic Coliseum, resulting in 42% of American’s confusing Nike as an official sponsor of the Games.
1984	Summer Olympics: Los Angeles, CA	Kodak	Fuji	Kodak sponsored ABC’s broadcast of the games, as well as becoming the official film of the US track team. As these were both legal moves, no recourse was available to Fuji.

Table 1 – Some Major Cases in Ambush Marketing

DISCUSSION & ANALYSIS

In analyzing the database, three key counter-ambushing themes emerge:

1. there appears to be a distinct focus within the sport marketing world on rights holder-based counter-ambushing strategies;
2. the instances and success of legal action stand out among the efforts made thus far to combat ambush attempts;
3. and the emergence of new, more proactive strategies – measures taken prior to an event or an ambush campaign to combat the threats posed – provide a progressive look into more current, potentially beneficial, methods.

Interestingly, despite the evolution of counter-strategies, and the adoption of new practices over time, our initial analysis nevertheless provides clear evidence that as measures are put in place to prevent ambushing, marketers seek and seize new opportunities to create an association with an event or property, and have done so consistently and successfully.

The evolution between these themes, it can be argued, has largely been as a result of ambushing's own adaptation to counter-ambush attempts, as well as the continued proliferation of opportunities upon which marketers may capitalize. As shown in the database (see Table 1 for sample cases), ambush marketing has shifted over time from broadcast sponsorship campaigns and venue-surrounding advertising, to more off-site venue marketing and greater creative efforts, and even more bold and aggressive strategies such as using spectators or fans as promotional tools. Throughout this evolution, two categories of counter-strategies emerge: *reactive* strategies, aimed at countering ambush attempts and compensating for the damages caused; and *proactive* attempts, focused on anticipating, deterring, and preventing such campaigns.

Reactive Strategies

Dating back to the earliest cases of ambush marketing, the vast majority of ambush defence strategies have been of a reactive, and typically defensive, nature. While to a large extent sponsors and rights holders have moved away from 'name and shame' tactics towards more sophisticated means, results are mixed. While such strategies show an acknowledgement of the ambushing issue, and seek to deter or compensate for such acts, they have been largely ineffective at both. Perhaps the most common reactive strategy used over time, 'name and shame' refers to speaking out in the media about the unethical, inappropriate, or unlawful marketing attempts by a sponsors' competitor.

It would appear, however, that as ambushing has evolved and become a more common and accepted practice, such denouncements have decreasingly been used. Rights holders have continued to speak out

against ambush marketing, and condemned those brands attempting to piggy-back on their events, however there does appear to be less willingness to decry specific companies or products. While this could be as a result of fewer ambushers attacking major events, and serves as an indication of the success of counter-ambushing measures being used, a more likely conclusion is that sports properties are aware of the added media attention given to ambushers by naming and shaming, provides added promotional benefit to the ambusher, further complicating the issue.

Legal action, a move which has been stressed in previous research as a valuable tool in protecting sponsorship (e.g., Meenaghan, 1994), is a further example of the reactionary measures identified throughout the database in countering ambush marketing efforts. Of the over 300 cases examined (to date) within this study, approximately 10% have resulted in lawsuits or legal action taken by sponsors or rights holders. Such cases can by and large be divided into two categories: intellectual property rights cases, dealing with issues of trademark or copyright infringement, or unauthorized distribution of tickets; and issues of passing-off or misappropriation, commonly defined as the act of selling goods or providing services under the intended assumption of connection with another organization.

Given the short-term nature of most sporting events in question, however, such legal manoeuvres may not be as effective as previously thought. Although it is difficult to know the effect the threat of a lawsuit may have in deterring potential ambushers, it should be noted that in cases that have ended in court, it has been after the fact, reactionary, and in many cases have brought more attention to the ambusher, free publicity in effect. Moreover, based on the 'repeat offenders' found throughout the database, including those who have had lawsuits brought against them (e.g. Visa, Pepsi), that have continued to both sponsor and ambush sporting events, the apparent value of legal action as a deterrence is concerning. Most successful have been cases directly involving intellectual property rights; such actions have resulted in injunctions, out of court settlements, and the removal of offending promotional materials or campaigns.

Unfortunately, ambushers have been much more successful in circumventing the issue of passing-off, as evidenced by two high-profile ambush marketing cases. Passing-off, also commonly known as misappropriation, is the legal means within common law to protect against the misrepresentation of one's goods, services, or commercial property as having some association or affiliation with an outside party when no such link exists (Townley et al., 1998). This legal protection, although not specifically meant for protecting against ambush marketing, is potentially a highly valuable tool in combating the ambush marketing

problem. However, as evidenced by two high profile ambushing cases, legal protection remains a difficult, and potentially costly, remedy to seek.

The most influential cases to date in the legal discussion of ambushing are: National Hockey League v. Pepsi-Cola Canada (dating back to the 1990 NHL playoffs) and the New Zealand Rugby Football Union v. Canterbury International Ltd. (arising in 2001 following the production of replica All Blacks shirts promoting their historical association with the team). In each case, the defendants were careful to avoid using protected marks or copyrighted materials in their campaigns, meaning the onus of proof on the National Hockey League and the NZRFU was to prove passing-off or misappropriation in court. Unlike trademark or copyright infringement, passing-off is much more difficult to prove, as the plaintiff must successfully argue that the efforts of the defendant sufficiently and knowingly confused consumers and misrepresented their associations.

Unfortunately for sponsors and rights holders, the precedent set by these cases reiterated how difficult proving passing-off in ambush marketing can be, as both Pepsi and Canterbury were found not guilty in court. Interestingly, the proof required to argue passing-off is precisely the aim of ambushers: to confuse consumers and create the illusion of an association to a property. By not convincingly proving that Pepsi or Canterbury confused or misled consumers, the success of their efforts should then be questioned, yet both campaigns are seen as successful ambushing examples, and evidence of the creative and strategic planning undertaken by ambushers.

Despite these issues, there is nevertheless some cause for optimism for sponsors when taking a legal approach; in the majority of cases dealing with trademark infringement or copyright laws, sponsors and properties have been protected, and intellectual property rights have been respected. As a result, properties have increasingly secured the rights to a number of important protected marks and terms – such as the National Football League seeking to register the term 'The Big Game' to prevent ambushing of the Super Bowl – indicative of the evolution of counter-strategies from reactive to proactive.

Proactive Strategies

The second major category of counter-ambush strategies found within this study are those of a proactive nature, aimed at preventing, deterring, or limiting ambush opportunities, and to better protect sponsorship. As highlighted by Meenaghan (1994), pre-emptive measures provide sponsors and rights holders a number of advantages, and appear intuitively to be more successful in defending sponsors than reactive, ex post facto strategies. Results, however, are mixed; while it is unknown how effective such attempts have been as a deterrence of ambushing, the

return of ambushing brands to events year after year suggests that such a goal has not been met.

On a more positive note, a number of the initiatives and efforts undertaken to combat ambush marketing over the past decade have helped limit opportunities, and forced ambushers to seek alternative options. Consider, for example, the efforts of UEFA following Euro 1996; after Nike's use of surrounding billboards and advertising media around Wembley Park and other host venues, UEFA enacted new regulations forcing future hosts to secure available media around event sites up to 3 kilometres away. In France, Nike used the same strategy to ambush Adidas' sponsorship of the 1998 World Cup, again renting advertising space throughout the country and in the vicinity of host stadia, advertising in particular their association with the Brazilian team.

As a result, for the following European Championships held in 2000, in Holland and Belgium, UEFA's marketing agency ISL rented all media advertising sites surrounding the host stadia, successfully blocking attempts such as Nike's in 1996 and 1998. Similar strategies have also been adopted by organizations such as the IOC, and provide event hosts with two key benefits: (1) such measures limit opportunities for ambushers and restrict easy access to media attention and consumer awareness surrounding the event; and (2) by renting or buying all available advertising media, rights holders can – and must – package their properties into sponsorship agreements, thus not only protecting their sponsors, but also generating added value and revenue, and forcing sponsors to better leverage their affiliation.

Another recent strategy taken, as suggested by Meenaghan (1994), has been the linking of event and broadcast sponsorships. UEFA were again among the first to regulate broadcast advertising for their events, along with the IOC, further adding to their sponsorship packages and eliminating other easy opportunities for ambushers. Unfortunately, while both of these strategies successfully limited ambushers uses of such attempts, the creativity of ambush marketers, as well as the continuous growth and development of new marketing opportunities, has meant that to a large extent, ambushing has grown and further developed, rather than decreased in effectiveness or frequency.

Interestingly, an emergent theme in protecting against ambush marketing over the past decade has been the adoption by host countries/regions of anti-ambushing laws, which have helped discourage the more obvious of ambushing efforts, yet remains a difficult proposition to enforce. Beginning with the Sydney Olympics in 2000, Australia, New Zealand, Canada, and the United Kingdom have been among a group of countries enacting such legislation, now a key component in any successful bid to host a major event such as the Olympics; the success of these measures, however, remains to be seen as they have yet to be meaningfully studied,

though the potential implications on limiting ambushing attempts, and setting strict outcomes for guilty parties, bears close observation.

Based on the analysis of our database, it would appear that ambushing legislation has provided a certain degree of defence for sponsorship, although other factors are also likely to have influenced. At first look, it would appear that recent events such as the 2006 Torino Winter Olympics or the 2004 Athens Summer Olympics were less targeted by ambushers, perhaps an indication of the impact of legislation. However, FIFA has continued to be targeted heavily by ambush attempts – as witnessed with the Bavaria Beer campaign at the 2006 World Cup in Germany – and ambushing in general appears to be on the rise, rather than a decline. More probable is that as organizers have moved away from ‘name and shame’ tactics and reactive measures, and as ambushing has increasingly been considered a legitimate competitive practice, the media coverage of ambush has diminished slightly.

Finally, a number of general observations can be made of ambushing and the events or host countries targeted historically. It bears noting that while the majority of events included within the database fall under IOC, FIFA, or NFL ownership (accounting for respectively – the world’s largest sporting event, the largest single-sporting event, and the largest single-game event), a number of other sports and property holders have also been targeted consistently, including international cricket events, and major international rugby events. This is an important finding, as the majority of existing literature on ambush marketing deals largely with major international events, such as the Olympics. It is important going forward that both the research undertaken, and the counter-strategies developed, reflect the wide-reaching need for sponsorship protection, beyond only the Olympic Games or the FIFA World Cup.

Likewise, certain host countries have also been targeted by ambushers on a number of occasions, particularly Australia – despite having enacted legislation for the Sydney Olympics in 2000 – and India, who each have dealt with a surprising number of ambush attempts in the past decade. Perhaps most interesting is the early signs of major ambushing initiatives in Beijing as the 2008 Summer Olympics approach, with several early cases already appearing, and major players such as Nike/Adidas and Pepsi/Coca-Cola staking claim to the Chinese market well in advance of the event.

IMPLICATIONS AND CONCLUSIONS

Although our database analysis forms only part of a broader study of ambush marketing being undertaken in the lead-up to the UEFA 2008 European Championships, the Beijing 2008 Summer Games, and the London 2012 Olympic Games, a number of conclusions and preliminary

recommendations can be made. Based on the examples of ambushing explored, it seems integral to the success of sport sponsorship that sponsors not only become much more *proactive* in their defence against ambushing, but also realize the importance of anticipating potential opportunities for ambushers, and taking the necessary steps to block out such attempts. The majority of early counter-ambushing strategies revolved around reactive measures, yet evidence suggests such attempts have been only marginally successful. In order for reactive measures to be effective, they must be strong enough to deter repeat or continued ambushing practices, which, based on the number of repeat offenders found, has not been the case.

If an ambusher's primary objective is – as argued by Shani & Sandler (1989) – to create confusion and uncertainty in the minds of consumers as to who officially sponsors an event and draw some of the favourable attitude or opinion afforded to sponsors to themselves, then allowing ambushers to communicate their message accomplishes said goal. Any subsequent actions by sponsors or organizers must then serve to deter future efforts or to restore the sponsor's original status or position, which have been difficult tasks thus far. In most cases where 'name and shame' tactics have been attempted, given consumers' apathetic opinion towards ambushing (Shani & Sandler, 1998; Meenaghan, 1996), such media efforts accomplished little beyond further advertising the offending brand name and drawing further attention.

Moreover, it seems clear that commercial rights holders have done little to establish defences over the long-term against ambushers. That an ambusher of an event can become an official sponsor the following year should raise serious concerns about the consideration given to ambush marketing by property owners. Unfortunately, banning ambushers from future involvement with an event ultimately devalues future sponsorship agreements, by limiting competitive bids in the negotiation process. As such, alternative means of establishing long-term measures to defend against ambushers, and just as importantly deter future ambush activities, must be explored. As well, hosts and organizers must be clear as to what they consider to be an ambush campaign, as legitimate commercial activities of certain stakeholders within the sponsorship mix confuse matters, and provide even greater challenges in defending official sponsorship.

Historically, brands such as Nike have enjoyed enormous success by gaining sponsorship status with individual countries, participants, or even entire sports at past mega-sporting events, despite being in direct competition with 'official' event sponsors. At the 2002 Salt Lake City Winter Olympics, Nike had no official involvement with the Olympics or the Salt Lake City organizing body, yet secured a supply contract with the participating men's ice hockey teams, outfitting the teams in Nike-Bauer

equipment and jerseys for perhaps the most highly visible event of the Salt Lake Games. Similarly, Adidas successfully ambushed Nike's sponsorship of the Australian Olympic team at the 2000 Sydney Games by contracting top Australian swimmer Ian Thorpe to a promotional contract prior to the Games, causing Thorpe to cover all Nike logos and references during medal ceremonies. By allowing team, countries, or national associations to agree such contracts, organizers knowingly put sponsors at risk and devalue their own sponsorship agreements.

Ultimately, the most effective cases of ambush marketing to date have succeeded in creating confusion among consumers and generating awareness of their own brands by capitalizing on marketing opportunities passed-over by, or poorly executed by, the official rights holders in this way. Sponsors and rights holders both must take greater responsibility for the investment and partnership made, and do more to prepare for and anticipate new and potential avenues for ambushers to pursue. This is all the more critical with the rise in new media, the growth of online marketing, and given the increasing creativity and innovation shown by ambushers. While proactive strategies provide a foundation upon which to build, greater anticipation and sponsorship activation are fundamental to the successful defence against ambush marketing.

References

- Coulson, N. (2004). Ambush marketing. *Brand Strategy, February 2004*(179), 32.
- Crompton, J.L. (2004). Sponsorship ambushing in sport. *Managing Leisure, 9*(1), 1-12.
- Farrelly, F., Quester, P. & Greyser, S.A. (2005). Defending the co-branding benefits of sponsorship B2B partnerships: the case of ambush marketing. *Journal of Advertising Research, 45*(3), 31-39.
- Hoek, J. & Gendall, P. (2002). Ambush marketing: more than just a commercial irritant? *Entertainment Law, 1*(2), 72-91
- Lans Retsky, M. (1996). One person's ambush is another's free speech. *Marketing Law, 30*(14), 14.
- Lee, M.S., Sandler, D.M. & Shani, D. (1997). Attitudinal constructs towards sponsorship: scale development using three global sporting events. *International Marketing Review, 14*(3), 159-169.
- Lyberger, M.R. & McCarthy, L. (2001). An assessment of consumer knowledge of, interest in, and perceptions of ambush marketing strategies. *Sport Marketing Quarterly, 10*(2), 130-137.
- Meenaghan, T. (1998). Ambush marketing: corporate strategy and consumer reaction. *Psychology & Marketing, 15*(4), 305-322.

- Meenaghan, T. (1996). Ambush marketing – a threat to corporate sponsorship. *Sloan Management Review*, 38(1), 103-113.
- Meenaghan, T. (1994). Point of view: Ambush marketing: immoral or imaginative practice? *Journal of Advertising Research*, 34(5), 77-88.
- Payne, M. (1998). Ambush marketing: the undeserved advantage. *Psychology & Marketing*, 15(4), 323-331.
- Shani, D. & Sandler, D. (1998). Ambush marketing: is confusion to blame for the flickering of the flame? *Psychology & Marketing*, 15(4), 367-383.
- Shani, D. & Sandler, D.M. (1989). Olympic sponsorship vs. "ambush" marketing: who gets the gold? *Journal of Advertising Research*, 29(4), 9-14.
- Townley, S., Harrington, D. & Couchman, N. (1998). The legal and practical prevention of ambush marketing in sports. *Psychology & Marketing*, 15(4), 333-348.

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