

Legal Prevention of Ambush Marketing – Case Study of UEFA Euro 2012^{TM 1}

Authors' contribution:

- A) conception and design of the study
- B) acquisition of data
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ABSTRACT

Given the seriousness and negative consequences of the ambush marketing phenomenon, it was necessary to fight with great force and strength ambush marketing activities by developing effective prevention strategies. There might be two categories of strategies distinguished: reactive and proactive strategies (Burton & Chadwick, 2008). The most common proactive strategy is to pass normative acts regulating the issues of ambush marketing by the host-country of the sporting event.

The purpose of this paper is an analysis of Polish preparations to host the 2012 UEFA European Football Championship in the context of the legal response to unfair practices of ambush marketing.

The scope of existing legislation of general application provides sufficient protection for the obligations arising from the Polish international agreements. Issues relating to the protection of intellectual property rights are governed by acts dealing with combating unfair competition, copyright and industrial property law.

Poland has not introduced additional regulations protecting the rights of the organizers and official sponsors of major sporting events against fraudulent marketing activities. When analyzing the current legal status it can be concluded that Poland fulfilled the guarantees provided to UEFA. The government adopted the simplest solution: they accepted the facts and did not make any amendments to the existing legal system.

KEYWORDS

ambush marketing, mega events, UEFA EURO 2012, Poland

Introduction

An increasing number of entities engage in the practice of ambush marketing due to the inability to secure enormous financial and material outlays that allow them to obtain the title of the official sponsor or, as reported by Schwartz et al. (2010), they can't link their marketing efforts with a sporting event due to long-term exclusive contracts with competitors. At the same time, we are dealing with a huge evolution of unfair marketing activities toward more innovative advertising messages to consumers (Burton & Chadwick, 2009). Not only have the tools changed but also advertising exposure: more often the athletes or even the fans are used as promotional tools.

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Given the seriousness and negative consequences of the phenomenon, it was necessary to fight with great force and strength ambush marketing activities by developing effective prevention strategies. In literature on the subject, we distinguish two categories of strategies: reactive strategies and proactive strategies (Burton & Chadwick, 2008).

Reactive strategies are intended to prevent ambush marketing attempts and to compensate for damage caused. One of the most commonly used strategies in this dimension is the strategy of “name and shame,” which is defensive in nature and consists mainly of identifying unethical, inappropriate, or unlawful aspects of the ambushers’ promotional campaigns in different media. It should be remembered that this strategy often has the opposite effect: drawing media attention to the inappropriate conduct of a company can ensure it more PR activity and promotional benefits. Another example of reactive strategy is proceeding through litigation by the sponsors or holders of rights. These cases mostly concern the violation of intellectual property rights relating to trademark or copyright infringement or unauthorized distribution of tickets. However, among the more than 300 cases investigated by the International Center for Sports Business, about 10% resulted in lawsuits or legal actions taken by the sponsors or owners of rights. This percentage is so low due to the problem of proving that the actions were illegal.

Due to the low efficiency of the reactive strategy, more frequently used are active strategies that focus on anticipating, deterring, and preventing fraudulent marketing practices (Meenaghan, 1994). To such methods belong: putting pressure on event organizers in order to protect the rights of sponsors. Many sports organizations have recognized the seriousness of the threat that lies behind ambush marketing practices, and have taken a firm stance in protecting the value of their sporting events and interests of potential donors (Schwarz, 2009). Being aware of the potential damage to its products, the largest organizers of sports events in the world (IOC, FIFA) took offensive action against the ambushers. Not only were the sponsorship agreements much more detailed, but their own protection of rights programs were implemented.

Another strategy is to combine the active sponsorship of sporting events and broadcast of the event, which unfortunately requires incurring high costs. In practice, many organizers of sporting events offer combined tournament sponsorship packages, which include transmission, and in some cases, advertising time during transmission.

A different strategy, as suggested by T. Meenaghan (1994), was to anticipate the competitive potential. It is important to examine the environment of other official sponsors of the event and find the answers to such questions as, for example, if a sponsor is the sole sponsor or a co-sponsor; in which sector the competitors operate; and how to gain advantage over competitors. Potential official sponsors should determine all possible ways of promoting and try to close them for others wherever it is economically possible.

The most common proactive strategy is to pass normative acts regulating the issues of ambush marketing. Literature on the subject is available in numerous studies focusing on legal issues related to deceptive marketing as well as potential methods of protection against such practices (Crow & Hoek, 2003; Farrelly, Quester, & Greyser, 2005; Schwarz 2009; Schwarz et al., 2010; Townley, Harrington, & Couchman, 1998).

The legal regulations are transnational in nature, including the system of Community Law, where there are no rules of general application common to all Member States that define principles of prevention and combating of unfair competition. As there is no European standard for such legislation, these issues are regulated by national legislation. Only in the European Commission working document accompanying the White Paper on sport does the Commission refer to the phenomenon of ambush marketing in the organization of major sporting events, drawing attention to the lack of EU regulation in this area, and the fact that in most countries, even the term itself is not defined. The Commission emphasizes that the legislation on ambush marketing in the Member States is inadequate, and possible protection against this activity is merely a consequence of precedent cases in intellectual property law, unfair competition and, to a lesser extent, the principles of advertising and consumer protection (European Commission, 2007). The Commission points

out that under the current law, the most effective protection against ambush marketing practices used at the stadium, where sports events take place, may be a well-prepared contract that protects the rights of both the sponsor and organizer of the event. However, much more difficult is the ability to protect against these types of activities outside the area controlled by the organizer.

In the absence of European standards on such legislation, ambush marketing issues are regulated by national legislation. Some organizers of major sporting events already in the phase of preparing competition applications, when conceding the organization of a country to organize sports events in their area, are beginning to require government guarantees from potential host of sporting events, obliging the state to adopt adequate legislation in this area. Ways of regulating intellectual property rights point to three basic approaches used by a potential host (Depo & Fijałkowski, 2008).

First, the host country may consider that the law in force is sufficient in protecting and enforcing intellectual property rights and fighting against fraudulent marketing, and there is no need for any new regulations.

Another solution is the adoption by the host country of an Act amending certain provisions of the law, which will have to just tighten the provisions of the national law and settlement system, which will remain with the provisions of national law at the end of the project.

The last manner of regulation is specially adopted law, functioning only at the time of the organization of the project, and adopted only for the duration of the project.

It should be noted that in most cases, national legal regimes are not prepared to deal with unfair ambush marketing practices due to the fact that this phenomenon is related strictly to the marketing of sports and only appears at major international events (Mazur, 2011).

The purpose of this paper is an analysis of Polish preparations to host the 2012 UEFA European Football Championship in the context of the legal response to unfair practices of ambush marketing.

Guarantees

As part of the selection process of the applicant countries to host the 2012 UEFA European Football Championship, UEFA presented a number of guarantees that were expected to be signed by countries bidding to host the championships. Expected content of the guarantee was introduced in the requirements of registration. Poland and Ukraine made guarantees to UEFA obliging governments to carry out the changes in national legislation of both countries. These changes included the following: legislation to implement effective responses to marketing practices (Guarantee No. 13) and enhance the protection of marks and other intellectual property rights defined by the UEFA (Guarantee No. 2) (Zahorski, 2009).

Guarantee No. 13 was granted by the prime minister in the government of Poland. It says the following:

“hereby acknowledge and agree that the Prime Minister in the Government of the Republic of Poland (...) take all necessary measures to ensure compliance with applicable law relating to customs and intellectual property rights, and any special laws for the protection of intellectual property rights of UEFA, and will act against unfair marketing practices (marketing pirate) and the forbidden practices in ticket sales , to protect the economic interests of UEFA and the UEFA EURO 2012”.

As part of this guarantee, the Committee for Protection of Rights to the Minister of Sport and Tourism was established in 2008. The Committee is an advisory body of the Minister for the protection of intellectual property rights and related issues pertaining to UEFA EURO 2012. Committee members include representatives of public institutions in its jurisdiction with the issues related to protection of intellectual property rights and related issues, as well as representatives of the Polish Euro 2012 Host Cities. Among them are The Patent Office, Ministry of Economy, Customs Service, the Police, the Ministry of Culture and

National Heritage, and the Ministry of Justice. In matters relating to intellectual property, a coordinator working with UEFA was appointed: the National Coordinator for Intellectual Property in the SPV (special purpose vehicle) PL.2012, which coordinates and controls the preparation of EURO 2012. The coordinator is also the Chairman of the Committee for Protection of Rights. Information, education, and preventive measures were also carried out to raise awareness for the protection of intellectual property rights of UEFA EURO 2012 TM.

Legal issues regarding the protection of marks and other intellectual property rights provided by UEFA regulates Warranty No. 2 granted by the Minister of Culture and National Heritage.

“hereby confirm and declare that each of the names and other intellectual property that is specified by UEFA, the Football Association can be protected by existing law on the protection of trademarks and other intellectual property of the Republic of Poland and, after registration, such terms and other intellectual property will subject to the full protection of these rights”.

Legal prevention of ambush marketing in Poland

Poland undertook to use the basic tools to combat ambush marketing. In 2008, an analysis of existing legislation was performed in light of the commitments of the Polish government to the UEFA, and asked representatives of such entities as the Patent Office, PL 2012 Ltd., UEFA, the Association for the Protection of Industrial Property (AIPPI) in Poland, Licensing Executive Society (LES) in Poland, International Trademark Association INTA in Poland, Polish Chamber of Patent Attorneys, the American Chamber of Commerce in Warsaw, the French Chamber of Commerce, the Polish-German Chamber of Commerce in Warsaw, and the British Chamber of Commerce in Warsaw to take a stand (Depo & Fijałkowski, 2008). In light of this opinion, it is necessary to introduce into the Polish legal system a series of legislative changes to enable the fulfillment of obligations undertaken by Poland to UEFA, but also which may importantly help to improve existing legal arrangements.

The Panel on Intellectual Property proposed new laws in the draft law on the protection of intellectual property rights and the prohibition of abusive marketing during the final tournament of the European Football Championship in Ukraine and the Polish Republic. The purpose of this act was to provide additional legal protection of marks and symbols of Euro 2012. In the company handout PL.2012, Tomasz Zahorski explained:

“The themes that we do are not easy, in Polish conditions previously virtually unknown, but thanks to excellent cooperation of all institutions that are part of the committee, we managed to create a good project. In fulfilling its safeguards submitted in previous years to UEFA we did not want to simultaneously create an act indirectly, because in the near future more and more major sports events will be held in Poland, and the requirements of the organizers of the special, temporary protection of intellectual property, prevention of ambush marketing (marketing parasitic), or the rights of the public viewing events, are essentially uniform, so it is worth looking for a solution extending beyond the year 2012” (PL.2012, 2009).

However, in the opinion of the legal community the document contained a number of significant errors. Defined terms were unclear and prepared at excessively high levels of generality. In addition, the project was not consistent with existing legislation such as copyright and industrial property rights. It was recognized that this document could only be a starting point for further work on the proper law (Depo & Fijałkowski, 2008).

Therefore it was concluded that the scope of existing legislation of general application provides sufficient protection for the obligations arising from the Polish international agreements. Issues relating to the protection of intellectual property rights are governed by:

- Act of 16 April 1993 on combating unfair competition (Journal of Laws No. 47, item. 211 as amended. d.)

- Act of 4 February 1994 on Copyright and Related Rights (Journal of Laws No. 24, item. 83 as amended. d.)
- Act of 30 June 2000 Industrial Property Law (Journal of Laws No. 49, item. 508, as amended. d.).

It should be noted that not all of the actions referred to as ambush marketing are subject to the regulations. We should return to the classification of ambush marketing activities. Owen (2003) distinguishes two forms of practice: marketing associational or by association (association ambushing or ambush marketing by association), and invasive marketing (intrusion ambushing or ambush marketing by intrusion). The first type of action includes situations in which a non-sponsor attempts to give the impression that it is an official sponsor of the event by using signs, symbols, mascots and other intellectual property rights associated with the event. The second category of activities includes situations where a non-sponsor does not infringe the intellectual property rights of the organizer of the event, but otherwise seeks to promote in connection with the event. The ambusher in this case uses the space in which the sporting event takes place to conduct promotional campaigns (Pinkalski, 2011).

Invasive marketing practices are not subject to legal sanctions, because these activities usually lack signs of illegality (Pinkalski, 2011). Creative marketers working on campaigns can effectively avoid the invasive legal regulations. In most cases, the settlement of any dispute will depend on determining whether this activity can be regarded as an act of unfair competition, and thus whether it is an action contrary to law or morality and jeopardize or prejudice the interest of another entrepreneur or customer (Article 3. 1 Law of 16 April 1993 on combating unfair competition). For this reason, some host countries introduce additional legal solutions aimed at hindering the conduct of a wider range of offenses classified as invasive marketing than would be possible on the basis of general provisions (Depo & Fijałkowski, 2008). In the current legal system in Poland, the only way to fight this type of marketing are actions undertaken by organizers in order to prevent the ambush marketing, mainly related to the development and efficient enforcement of internal regulations of the event (Mazur, 2011).

Much less difficult for the organizers is combating those activities classified as associative marketing. The basic tools for this fight in Poland are normative acts on copyright and related rights, industrial property rights, and unfair competition.

Associational marketing activities use signs or trademarks (word, phrases, names, and logos) registered in favor of the organizers of Euro 2012 and Euro 2012 official sponsors or signs similar to those tracks and marks. In the case of the 2012 European Championships the following characters are reserved: UEFA (CTM – 007464084, CTM – 007464084, IR – 718096, IR – 931376), EURO 2012 (R² – 230681; CTM – 004327854), UEFA EUROPEAN FOOTBALL CHAMPIONSHIP (IR – 720874), POLAND UKRAINE 2012 (R – 205201), POLAND UKRAINE 2012 (R – 197876; CTM – 005760012), ME 2012 (R – 222732), EM 2012 (CTM – 007292626; CTM – 008740391, EURO COPA 2012 (CTM – 008730178), (R – 228519), CREATING HISTORY TOGETHER, GEMEINSAM GESCHICHTE SCHREIBEN (CTM – 008725673), ENSEMBLE ÉCRIVONS L'HISTOIRE (CTM – 008725632), QUALIFIERS 2012 (IR – 947590) and related word-graphic characters (Figure 1). Each mark has acquired a categorization, the division of a word mark, figurative, word-figurative, spatial and the exclusive right number attributed to it. In December 2009, the official logo of the tournament was presented, which is protected, as are the presented championship mascot in November 2010 and logos of the host cities. Trade marks are protected under the Law of Copyright and Related Rights, which is defined as an object of copyright law:

Any manifestation of creative activity of individual character, established in any form, regardless of value, purpose and manner of expression (work). In particular, the subject matter of copyright shall: 1) expressed in words, mathematical symbols, graphic signs (Article 1 of the Act on Copyright and Related Rights, 4 February 1994).

² R - number of exclusive rights, IR - International Registration Number (international trade marks - the WIPO database) CTM - Community Trade Mark (Community Trade Mark Office / OAMI).



Figure 1. Trademarks registered in connection with UEFA EURO 2012 TM to the UNION DES ASSOCIATIONS EUROPEENNES DE FOOTBALL (UEFA)

Source: (PL.2012, 2010).

Any unauthorized reference, in whole or in part, to trademarks subject to protection is inconsistent with applicable law and may result in the violation of exclusive rights granted to UEFA. Official signs may be used for commercial purposes only by licensees, which UEFA has given the right to use certain UEFA characters in accordance with the agreement that defines the terms and conditions. These include: the type of licensed product, its geographical extent, duration, and limited financial aspects.

Associational marketing activities are the basis for prosecution in accordance with the provisions of copyright law (Article 79) and industrial property rights (Art. 296). The Industrial Property Law states that the subjects of protection are: registered official marks of mega sporting events (name, slogan, logo, and mascot) in relation to Euro 2012. In Article 296 it was also stressed that

“Violation of the right of protection for a trademark is the unauthorized use in trade: 1. A mark identical to a trademark registered for identical goods; 2. A mark identical or similar to a trademark registered for identical or similar goods, if the risk of introducing customers in error, which includes in particular the risk of associating the trademark with a trademark registered and 3. A mark identical or similar to a renowned trademark registered in respect of any goods, if such use would bring unfair advantage or be detrimental to the distinctive character or the reputation of the earlier mark”.

It can, therefore, generally be assumed that any practice of ambush marketing is to obtain benefit by the author, who has no rights as the official sponsor of a sporting event, thus giving rise to civil claims.

Protection against marketing by association is also possible in accordance with applicable regulations of the Law against Unfair Competition. According to Supreme Court:

“A good merchant’s custom is not only not spoofing the name and reputation of a competing company, but also not to use someone else’s achievements to promote a new product, generically identical, without paying for this purpose by use of their own efforts and financial

resources” [Supreme Court dated 01/02/2007 – The Case V CSK 311/06 for (Depo & Fijałkowski, 2008)].

The Supreme Court agrees with the position of opponents of ambush marketing practices and condemns such actions as gaining the attention of customers as a result of a similar package, which brings out consistent positive association in the minds of customers of the product image placed before them.

Law Against Unfair Competition contains a general clause, which defines, as mentioned earlier, an act of unfair competition. This clause may be used by the organizers or sponsors of Euro 2012 against businesses that offer products or services that mimic the products or services of the organizers or sponsors (Depo & Fijałkowski, 2008). Due to the fact that the definition is very general and can cause difficulty in answering the question, What behavior is and what is not considered an act of unfair competition, the listed directory provides the most repeated acts constituting unfair competition (Article 5-17d). Table 1 shows only certain unfair competition behavior that could possibly take place during EURO 2012.

Table 1. Acts of unfair competition behavior that could possibly take place during EURO 2012

Act of unfair competition	Possible action at Euro 2012
<i>designation of the undertaking, which may mislead customers as to his identity, by using company name, emblem, the letters, or other distinctive symbol previously used, in accordance with the law, to sign another undertaking (Article 5)</i>	name of the company suggesting a link to UEFA or EURO 2012
<i>an indication of goods or services, or lack thereof, which may mislead customers as to the origin, quantity, quality, composition, performance, usability, applicability, repair, maintenance or other relevant characteristics of the goods or services, and the concealment of the risks associated with their use (Article 10)</i>	unlawful use of UEFA trade license or false indication that a product is the same properties as the product enjoyed by players of EURO 2012
<i>imitation of the finished product, which consists of technical means of reproduction, is copied to an external image of the product, if it may mislead customers as to the identity of the manufacturer or the product (Article 13)</i>	production of counterfeit EURO 2012 official products (e.g., mascots)
<i>dissemination of false or misleading information about own or any other business or enterprise, in order to bring benefit or harm (Article 14)</i>	Dissemination of false information on the status of official sponsor or partner of Euro 2012
<i>advertising misleading the customer, and susceptible to influence his decision to purchase a product or service (Article 16, item 1&2)</i>	slogans on the official drink, or Euro 2012 car voiced by non-sponsors of the event

Source: own studies based on (Depo & Fijałkowski, 2008).

The guarantees offered by the Polish government to UEFA are enforceable under applicable law. The Polish legal system is well prepared to counter the simplest forms of ambush marketing, which relies heavily on the illegal use of trademarks or names of such a symbol. However, it should be noted that few marketers use the exact same logo or logos of the organizers. There are actions that can carry the hallmarks of fraudulent marketing, and that the current legal status in Poland should be considered legal. Increasingly, professionals use the players or spectators to conduct promotional campaigns.

Depo and Fijałkowski (2008) indicate a further problem associated with the preparation for the Polish championship in the fight against ambushers. According to the authors, the most important issue is to resolve potential disputes arising concerning the unauthorized use of logos, slogans, or slogans for Euro 2012 or other signs protected by UEFA and the official sponsors of the event, to civil and criminal violations of those rights, and stop the playing of import and export goods bearing counterfeit trademarks. Lawyers point out that in the Polish legal system we have sufficient means to protect intellectual property rights of UEFA and sponsors before and during the tournament. The biggest concern is, however, the effectiveness of these measures, namely the enforcement of these rights. The authors point to the excessive length of judicial

proceedings as a general problem of the Polish justice system, which, given the short duration of Euro 2012 may have negative effects.

Poland has not decided to tighten regulations that would fight against all forms of ambush marketing. It should be noted, however, that the Polish solution is not unique in Europe or the world. The organizers of the Euro 2012 tournament took an example from the experience of previous host countries' sports events.

Experience of previous host countries' sports events

The legitimacy of the new legislation was subject of intense debate before the European Championship in Switzerland and Austria in 2008 (Valloni & Pachmann, 2011). In 2006, under pressure from UEFA the Swiss government tried to adapt the existing law (UCA called the Unfair Competition Act – The law on unfair competition) with a record of protecting against ambush marketing. Added article (3e) reads as follows:

“Unfairly competing is in particular who, without adequate reason and in a parasite manner, refers to third parties, their merchandise, works or services and thereby takes advantage of their reputation” (AIPPI, 2009).

However, the project was severely criticized by the political environment as well as legal and stakeholder groups, and was thus rejected considering that the existing arrangements in the national law sufficiently protect both the sponsors and organizers of the event.

Germany has also decided not to implement the act dedicated to fighting ambush marketing on the occasion of World Cup Football FIFA in 2006. In Germany, the rights of the organizers and official sponsors of the event are protected under the Law on the Protection of Trademarks [German *Gesetz über den Schutz von Marken und sonstigen Kennzeichen (Markengesetz)*], Law against Unfair Competition (German *Gesetz gegen den unlauteren Wettbewerb*) and Copyright Law [German *Gesetz über Urheberrecht und verwandte Schutzrechte (Urheberrechtsgesetz)*]. As in the previous case, it was concluded that existing regulations were sufficient to meet the government guarantees made to FIFA.

Within the group of host countries that decided to adopt legislation regulating certain provisions of national law to enhanced protection against potential ambush marketing practices is, for example, South Africa. FIFA authorities were able to pressure the South African government into introducing additional regulations (*nota bene*: very severe) in the fight against deceptive marketing. The amendments were: *Trade Marks Act 194 of 1993*, *Trade Practices Act 76 of 1976* *Merchandise Marks Act 17 of 1941* (Kelbrick, 2008). The most significant change relates to the last act, which introduced protection against ambush marketing activities for a period of 4 years before and 6 months after the championships, including a ban on advertising and marketing activities, which directly and indirectly could mistakenly inform the consumer that a company applying these practices is the official sponsor of the event.

In addition, as the championship in 2010 approached, two laws were passed: 2010 FIFA World Cup South Africa Special Measures Bill and Second 2010 FIFA World Cup South Africa Measures Bill. It should be noted, however, that these acts do not relate to the protection of intellectual property rights, but are merely a reference to existing laws (Depo & Fijałkowski, 2008).

Some host countries opted for a much more radical move and decided to issue a deliberate act at the time of the organization of the event. This solution was adopted by:

- Australia, in preparing for the 2000 Olympic Games in Sydney, adopted a resolution, The Sydney 2000 Games (Indica y Images) Act of 1996, which prohibits any unauthorized audio or visual presentation that suggests association with the Olympics, and also prohibits the unauthorized use of names or symbols associated with the Olympics;
- Portugal issued two decrees with the force of law (Decree-Law No 86/2004 dated 04.17.2004 and No 84-A/2006 dated 05.19.2006). The need for the European Championship Cup in 2004 and the

Championship Europe, Sub-21 in 2006 decrees introduced regulations governing the protection of industrial property rights, and UEFA sanctions for those violating reserved rights.

- Before the Olympic Games in London, the UK government passed legislation, The London Olympic Games and Paralympic Games Act 2006, which aimed to control all aspects of the organization of the Olympic Games, including a ban on certain marketing activities for the duration of the Games, and the regulation of intellectual property law protecting the organizer and official sponsors of the event.

The examples cited above are of learning action. Adopted regulations apply only to specific events in the host country. A very interesting solution was adopted in New Zealand, where the government passed an umbrella law regulating the organization of mega events around the country. In connection with the organization of World Championships U-17 women's national football team in 2008, the Rugby World Cup 2011, and the planned 2015 Cricket World Cup, in 2007 adopted a law Major Events Management Act (MEMA), which regulates ambush marketing related activities very closely. It is a comprehensive tool to protect the rights of the organizers and sponsors of the competition against unauthorized activities, providing for the possibility to use a sporting event for smaller entities and individuals in accordance with the principles of economic freedom.

Conclusions

In summary, Poland has not introduced additional regulations protecting the rights of the organizers and official sponsors of major sporting events against fraudulent marketing activities. When analyzing the current legal status it can be concluded that Poland fulfilled the guarantees provided to UEFA. The government adopted the simplest solution: they accepted the facts and did not make any amendments to the legal system. In both cases – the FIFA World Cup in 2006, as well as the European Championships in Switzerland and Austria in 2008 – this solution has not worked because we had to deal with numerous cases of ambush marketing. Evaluation of the decision of the Polish government will be subject to subsequent papers by the authors. The question is whether or not it was worthwhile to make the effort to make changes that, as in New Zealand, comprehensively regulate the organization of major sporting events. In the opinion of the authors such a solution would bring many more benefits in the future due to the fact that Poland could host many more mega sporting events.

REFERENCES

- AIPPI (2009). The Protection of Major Sports Events and associated commercial activities through Trademarks and other IPR. Retrieved 10.04, 2012, from <http://www.aippi.ch/system/files/GR210switzerland.pdf>
- Burton, N., & Chadwick, S. (2008). *Ambush Marketing in Sport: An Assessment of Implications and Management Strategies*. Coventry University: CIBS.
- Burton, N., & Chadwick, S. (2009). *A typology of ambush marketing: the methods and strategies of ambushing in sport*. Coventry: CIBS.
- Crow, D., & Hoek, J. (2003). Ambush marketing: a critical review and some practical advice. *Marketing Bulletin*, 14(1), 1-14.
- Depo, B., & Fijałkowski, M. (2008). *Analiza prawa własności intelektualnej w świetle zobowiązań podjętych przez Polskę w związku z organizacją przez Polskę i Ukrainę mistrzostw Europy w piłce nożnej w 2012 roku - stan na 15 grudnia 2008 r. Opinia prawna z 15.12.2008 r. sporządzona na zlecenie Ministerstwa Gospodarki RP /Legal analysis of intellectual property in view of guarantees undertaken by Poland in relation to organisation of EURO 2012 by Poland and Ukraine – as of 15th Dec/*. Warszawa: Baker & McKenzie.
- 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), 339-348.
- Kelbrick, R. (2008). The W***D C*P of 2*1*: FIFA's intellectual property rights in South Africa. *Journal of Intellectual Property Law & Practice*, 3(5), 327-333.
- European Commission. (2007). *The EU and Sport: Background And Context, Commission staff working document, Accompanying document to the White Paper On Sport*. Brussels: SEC (2007) 935.

- Mazur, M. (2011). *Mistrzostwa Europy w Piłce Nożnej UEFA EURO 2012 /The 2012 UEFA European Football Championship in Poland/*. Retrieved 18.04.2012, from http://ambushmarketing.pl/baza_wiedzy/mistrzostwa-europy-w-pilce-noznej-uefa-euro-2012/
- Meenaghan, T. (1994). Ambush marketing — immoral or imaginative practice? *Journal of Advertising Research*, 34(5), 77-88.
- Mikołajczyk, A. (2009). Ambush marketing na międzynarodowych imprezach sportowych /Ambush marketing at major sport events/. *Studia Gdańskie*, VI, 244-258.
- Owen, D. (2003). Ambush Marketing and Protected Events. *De Rebus*, 20(Nov), 20-23.
- Pinkalski, Z. (2011). Ambush marketing charakterystyka i ocena prawna zjawiska w perspektywie Euro 2012 /Ambush marketing – characteristics and legal analysis in the perspective of Euro 2012. *Przegląd Prawa Handlowego*, 1, 46-52.
- PL.2012. (2009). *Komitet Ochrony Praw podsumował rok 2009 /Committee for Protection of Rights summarizes 2009/*. Retrieved 16.10, 2010, from <https://www.2012.org.pl/pl/aktualnosci/pozostale/14331-komitet-ochrony-praw-podsumowa-rok-2009.html>
- PL.2012. (2010). *Znaki towarowe zastrzeżone w związku z UEFA EURO 2012TM /Trade marks protected in relation to UEFA EURO 2012/* [Retrieved 14.04, 2012, from <http://www.2012.org.pl/pl/component/content/article/1931.html>
- Schwarz, E.C. (2009). *The evolution of global anti-ambush marketing laws*. Paper presented at the 7th annual conference of the Sport Marketing Association, Cleveland, Ohio.
- Schwarz, E.C., Hall, S.A., & Shibi, S. (2010). *Sport Facility Operations Management: A Global Perspective*. Oxford, UK: Butterworth-Heinemann.
- Townley, S., Harrington, D., & Couchman, N. (1998). The legal and practical prevention of ambush marketing in sports. *Psychology & Marketing*, 15(4), 333–348.
- Valloni, L.W., & Pachmann, T. (2011). *Sports Law in Switzerland*. Alphen: Kluwer Law International.
- Zahorski, T. (2009). *Symbolika UEFA EURO 2012TM - kiedy i dla kogo? /Use of UEFA EURO 2012TM symbols – when and for whom?/* Paper presented at the DMS. from http://dms.msport.gov.pl/app/document/file/1255/UEFA_EURO2012_szansa_dla_Polski_i_rozwoju_turystyk_Zahorski_PL_2012_10_12_2009.pdf?field=file1

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