
AMBUSH MARKETING IN INDIA: RETHINKING TRADEMARK LAW AND SPONSORSHIP EXCLUSIVITY

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ABSTRACT:

Ambush marketing has become a recurring concern in India's sports and entertainment industries, especially where high-value sponsorship for cricket and other mega-events are involved. Although sponsorships are central to event financing, Indian law continues to rely on the Trade Marks Act, 1999 particularly sections 29,30 and 135 alongside the common law tort of passing off to regulate ambush practices. The Delhi High Court acknowledged ambush marketing in the case ICC Development (international) Ltd. V. Arvee Enterprises (2003), but declined to protect generic terms such as "World Cup," highlighting the inadequacy of trademark law in addressing indirect associations. Similarly, reliance on misrepresentation and consumer confusion doctrines have been ineffectual against campaigns that use suggestive associations without direct trademark use. The doctrine of dilution under Section 29(4), though relevant in cases of unfair advantage and detriment to repute, has not seen significant judicial development in the context of ambush marketing. Moreover, emerging forms of ambush on social media, search platforms, and influencer marketing, as well as the measurable financial harm to sponsors, remain largely unaddressed in Indian scholarship. However, some countries, such as the UK (London Olympic Games Act, 2006), New Zealand (Major Events Management Act, 2007), and South Africa (Merchandise Marks Act, 2002), have put in place protections that are specific to events. This paper proposes a custom legal framework for India that strikes a compromise between sponsor rights and article 19(1) (a) free trade and commercial communication while engaging with the broader dialogue on balancing the repudiated advertising practices.

Keywords: Ambush marketing; unfair competition; passing off; Sports law; Trade Marks Act, 1999; Event-Specific Legislation; Advertising Ethics; Consumer Confusion; Trademark Law; Sponsorship Exclusivity.

I. INTRODUCTION:

One of the most debated topics in the present-day sports and entertainment field is ambush marketing. It might be broadly defines as an attempt by business to gain advantage from the goodwill or popularity of an important occurrence by developing an improper or false affiliation with it, irrespective of the event organizers' approval or reimbursement of sponsorship fees. This strategy can be used in a plenty of ways, for instance obtaining advertisement space, installing billboards in prominent places, offering free merchandise, or utilizing expressions and visuals that evoke the vent without infringing trademarks. Ambush marketing is becoming more prevalent as an outcome of the commercialization of sports. Large- scale events nowadays depend mainly on sponsorship, and these often includes exclusivity rights. Abuse of this exclusivity weakens sponsorship value and undermines future investments, threatening the legally binding agreement between sponsors and organizers. Despite official sponsors and event planners tend to label the act as unethical or even parasitical, courts have discovered it hard to declare it completely illegal. Ambushers frequently dodge liability unless clear evidence of passing off or trademark infringement has been proven. Numerous secretive methods have been used to take advantage of this doctrinal gap, especially through influencer alliances, digital marketing, social media promotions, and ambushes timed with live broadcasts. In considering this, this study investigates comparative legal models, assesses whether Indian trademark law and judicial procedures are suitable for handling ambush marketing, and makes the case for a particular legislative framework that strikes a balance between sponsor protection and objectives of fair competition and freedom of commercial expression.

II. REVIEW OF LITERATURE:

1. Ambush Marketing and Intellectual Property Law: A critical analysis of legal responses in the context of major sporting events.¹

The detailed analysis of ambush marketing and its relationship to intellectual property law serves as the base for this essay. Because ambush marketing depends upon implied associations rather than the direct misused of marks, it is distinct from traditional trademark infringement, argues Priyanka (author) leaving official sponsors vulnerable under present legal doctrines.

¹Priyanka, Ambush Marketing and Intellectual Property Law, 5 *Jus Corpus L.J.* (Mar.–May 2025).

The practice has been connected historically to Kodak's 1984 Olympic ambush of Fuji, Pepsi's 1990 FIFA World Cup sponsorship of Brazil, and Nike's notorious "Nike Village" during the 1996 Atlanta Olympics, which shifted attention away from official sponsors. These illustrations highlight how ambush marketing compromises sponsorship exclusivity rather than obviously violating the law. Since event-related marks like "World Cup" or "Olympics" are often seen as descriptive, scholars point out that trademark law struggles with distinctiveness and dilution. Due to the high evidentiary burden of establishing consumer confusion, passing-off cases like *NHL v. Pepsi* (1992) and *ICC Development v. Arvee Enterprises* (2003) have also failed. Stronger safeguards are provided by comparative frameworks, such as Australia's Sydney Games Protection Act (2002), but they also raise issues about their excessive scope and limitations on commercial expression. Through the help of non-legal actions like stadium clean zones and awareness campaigns, experts are becoming more vocal for the improvement of current intellectual property laws and the adoption of theories like parasitism and misleading advertising.

2. Trademark Protection towards the Upcoming Tokyo Olympics: Legal Framework to Regulate Ambush Marketing.²

This paper looks at ambush marketing from the viewpoints of event sponsorship and intellectual property protection created the basis for this paper. In their 2020 examination of Japan's legal preparation for the Tokyo Olympics, Okada and Ishikawa illustrate how, in spite of the lack of a specific anti-ambush law, ambush practices were supposed to be regulated by established frameworks such as the Trademark Act, Unfair Competition prevention Act, and Copyright Act. False sponsorship claims, the use of similar marks, implicit associations, and advertising nearby venues are some examples of ambush marketing that are brought up in their study. While discussing these indirect tactics, researchers frequently point out how inadequate traditional doctrines like passing off and trademark infringement are. While descriptive terms like "Olympics" or "World Cup" are difficult to monopolize, ambushers are frequently protected by the evidentiary burden of establishing consumer confusion. Comparative research shows that other countries, like South Africa and New Zealand, have enacted event-specific legislation that protect sponsors. The opponents, however, caution that these restrictions may unnecessarily restrict commercial expression. Additionally, Okada and Ishikawa emphasize the

² Atsushi Okada & Daiki Ishikawa, Trademark Protection Towards the Upcoming Tokyo Olympics: Legal Framework to Regulate Ambush Marketing, 21 *Bus. L. Int'l* 159 (May 2020)

significance of soft law measures such as stakeholder contracts, voluntary compliance by advertisers, and brand protection guidelines. This collection of research finds that while IP law provides some partial remedies, a more balanced framework combining non-legal tactics and legislative change is needed for successful control of ambush marketing.

3. Ambush Marketing Vs. Official Sponsorship: Is The International I.P. An Unfair Competition Regime A Good Referee?³

This paper delivers a comprehensive examination of ambush marketing in connection with official sponsorship, analyzing its ethical, legal, and commercial aspects within the context of competition and intellectual property law. Ambush marketing is the method of non-sponsors associated with significant sports events in order to grab publicity without experiencing to pay for sponsorship. Some researchers contend that it indicates creative competition in advertising, while others, like Sandler and Shani (1989) and Meenaghan (1994), characterize it as a strategy that deflects attention away from official sponsors. Its evolution since the 1984 Los Angeles Olympics, when Kodak and Nike famously "ambushed" official sponsors, is illustrated by Johuson (2011) and Nufer (2013). According to study, ambush marketing undermines sponsorship income that is essential for financing large-scale events, which leads to both legal and non-legal reactions. Traditional intellectual property safeguards, like copyrights, trademarks and laws against unfair competition have frequently been found to be insufficient in the face of indirect or creative ambushing. Event-specific laws have therefore been developed, such as the London Olympics Association Right (2006), yet these regulations raise constitutional problems with regard to free speech and the fairness of the market. The paradoxes are brought out by researches such as Louw (2012), Scassa (2011), and Marmayou (2013). While mega-events promote widespread participation, restrictive anti-ambush measures alienate the public and exclude competitors. Calls for fair, internationally uniform regulations to protect sponsors while safeguarding free speech and fair competition are made in the literature's conclusion

III. STATEMENT OF THE PROBLEM:

In India's sports and entertainment sectors, ambush marketing is becoming more of an issue, especially for major events like the IPL and ICC world Cup, where commercial sponsorships

³ Diego Pardo Amezcuita, Ambush Marketing vs. Official Sponsorship: Is the International I P. an Unfair Competition Regime a Good Referee, Rev Prop. Inmat. 5 (2016)

are essential to event finance. Despite its widespread use, ambush marketing is not specifically addressed under Indian law. The existing legal mechanisms—primarily the Trade Marks Act, 1999 and the common law doctrine of passing off—are insufficient to counter indirect or suggestive associations that do not amount to explicit infringement. Judicial reluctance to extend protection to descriptive event-related expressions such as “World Cup” further weakens sponsor rights. Sponsors face financial loss, decreased brand exclusivity and a worse return on investment as a result, this study aims to determine the legal gaps, evaluate the efficacy of the exiting frameworks and provide a well-rounded model that is consistent with universal best practices and constitutional principles.

IV. OBJECTIVES OF THE STUDY:

1. To examine the concept, evolution, and ethical dimensions of ambush marketing in India and abroad.
2. To analyze the sufficiency of Indian trademark and passing-off laws in preventing ambush marketing.
3. To evaluate judicial responses and the application of doctrines such as dilution and unfair advantage in Indian courts.
4. To compare anti-ambush laws in nations that include China, Japan and the United Kingdom.
5. To recommend appropriate legislative and regulatory changes for India that protect the freedom of commercial expression while maintaining sponsor rights.

V. RESEARCH QUESTIONS:

1. How well do the passing-off doctrine and the Trade Marks Act, 1999 handle indirect or inventive ambush tactics?
2. How have ambush marketing cases been viewed and handled by Indian courts?
3. What can India learn from global frameworks like China’s 2002 protection of Olympic Symbols Regulations and UK’s London Olympic Games Act of 2006?

VI. RESEARCH METHODOLOGY:

This research adopts a doctrinal and comparative legal methodology. It is based on a qualitative examination of international legislation, academic research and court decision.

VII. SCOPE AND LIMITATION OF THE STUDY:

The study focus on the legal, moral and commercial aspects of ambush marketing in the Indian context. In addition to significant court decisions like ICC Development v. Arvee Enterprises and Tata Sons v. Manoj Dodia, it mostly looks at legislative requirements under the Trade Marks Act, 1999. In order to identify regulatory models that may be successfully modified for India, the study also compares other jurisdictions such as China, Japan, and the United Kingdom. Large-scale events like the Indian Premier League (IPL) and the Cricket World Cup are highlighted, but broader conversations about unfair competition or consumer protection laws are left out.

However, there have been limitation on the study. It mostly uses secondary data sources, such as scholarly literature, case law, and legislative information. Empirical evaluation is limited by the lack of thorough data on the financial damages brought on by ambush marketing in India. Furthermore, the scope is limited to ambushes relating to sponsorship and does not cover other types of marketing or unfair competition. The results are based on the present legal framework because the legislative and digital marketing environments are changing quickly.

VIII. AMBUSH MARKETING:

Ambush marketing refers to a company's attempt to profit from the reputation of a well-known property or event without the required parties' knowledge or approval. Official sponsors, suppliers, and partners are denied a portion of the commercial value because of their "official" designation when a third party tries to establish a direct or indirect association with an event or its participants without their consent.⁴ Ambush marketers do not use the trademarks of third parties but rather creatively allude to a sporting event and use their own trademarks to suggest a connection or affiliation with that sporting event.⁵ Ambush marketing is first popularized

⁴ David Cran & Simon Griffiths, Ambush Marketing: Unsporting Behavior or Fair Play?, 21 *Ent. L. Rev.* 293 (2010).

⁵ Miller Nancy A, Ambush marketing and the 2010 Vancouver-Whistler Olympic Games: A prospective view. (12 April 2010).

during 1984 Los Angeles Olympics, Fuji served as the official sponsor of the games but Kodak and Nike strategically associated themselves with the Games regardless of not being official sponsors. They indulge to sponsor the ABC coverage of the event and the official film of the United States track team, leading to competitive maneuver against Fuji.⁶ Jerry C. Welsh introduced the term “Ambush”. The term “Ambush” derived from the French verb “embuscher” which means “to hide in wood”. Ambush marketing refers to attempts by companies to exploit the publicity of an event without paying sponsorship fees or obtaining authorization from organizers.⁷ The development of ambush marketing is comparable to the remarkable rise of sponsorship as a worldwide marketing technique, with annual sponsorship costs reaching billions of dollars.⁸ Ambush companies claim that ambush marketing is legitimate competitive marketing, but the official sponsors and event organizers view it as unethical or parasitic. This contradiction has led to heated discussions in the fields of law and ethics, particularly regarding whether ambush marketing should be prohibited as unfair competition or protected by the principles of free commercial expression. Thereby, ambush marketing is a significant threat to the longevity of sponsorship-based event financing while additionally functioning as an innovative advertising tactic. Its regulation brings attention to challenging problems at the junction of intellectual property law, competition law and freedom of speech.

A. EVOLUTION OF AMBUSH MARKETING:

Ambush marketing began to develop in the early 1980s, as global athletic events became increasingly commercialized. Although Fujifilm was the official Olympic sponsor, Kodak sponsored the U.S. track team and the Games’ television broadcasts in 1984, which has been deemed to be the beginning point. This incident exposed the limitations of standard sponsorship agreements for achieving exclusivity in addition to causing confusion among consumers.⁹ In 1990 FIFA World Cup campaign, Pepsi successfully diverted attention from Coca-Cola, the official event sponsor, by presenting the Brazilian football team. This was one of the first prominent instances of “coattail ambushing,” in which sponsors associate themselves with

⁶ D.M. Sandler & D. Shani, *Olympic Sponsorship vs. “Ambush” Marketing: Who Gets the Gold?*, 29 J. Advert. Res. 9, 11 (1989).

⁷ Gerd Nufer, *Ambush Marketing in Sports: Theory and Practice* (Routledge 2013).

⁸ John Crimmins & Mark Horn, *Sponsorship: From Management Ego Trip to Marketing Success*, 36 J. Advert. Res. 11, 11–21 (1996).

⁹ Tony Meenaghan, *Point of View: Ambush Marketing—Immoral or Imaginative Practice?*, 34 J. Advert. Res. 77, 77–88 (1994).

athletes or teams instead of the event.¹⁰ Another notable instance took place during the 1996 Summer Olympics in Atlanta, where Nike, an unofficial sponsor, created a “Nike Village” adjacent to the athletes’ village, offered out free merchandise, and received prominent billboard placements. Because of these efforts, Reebok, which was investing millions on exclusive rights, was overshadowed by many spectators who thought Nike to be an official Olympic sponsor.¹¹ Indirect and thematic associations, such as advertisements positioned around broadcasts, suggestive slogans, and more recently, digital ambush via campaigns involving influential people and social media, have replaced overt tactics like unapproved logo use in ambush marketing. Ambush strategies have become more common as the multibillion-dollar sponsorship industry has expanded and both sponsors and organizers of events are becoming more concerned about them. Because of its flexibility, ambush marketing has evolved from traditional marketing stunts to intricate, technology-driven strategies, creating ongoing challenges for sponsors and legal systems all across the globe.

IX. ETHICAL AND COMMERCIAL DIMENSIONS:

Ambush marketing is unquestionably an unethical business strategy.¹² Ambush marketing occurs when non-sponsors attempt to gain benefits available only to official sponsors. Because it jeopardizes their ability to sell events or recover investment, event owners and official sponsors have viewed ambush marketing as immoral since the question of whether it is “immoral or illegal” first arose. However, this viewpoint provides little useful advice for potential sponsors, who cannot presume that revivals share their moral stance.¹³ In 2000, individual Olympic sponsors each paid up to \$40 million. The sponsorship yield from the 1998 world cup was estimated at \$29 billion. Clearly, the stakes are high and event organizers are reaping the rewards. Just as clearly, small companies cannot afford to be sponsors. Anheuser-Busch had the rights to use the word “Olympic” and the five-ring logo. A local company, Schirf Brewery, decided to mark its delivery trucks with the phrase “Wasatch beers. The unofficial beer. 2002 winter game.” Schirf did not use the term “Olympic” or the five-ring logo in its

¹⁰ John A. Tripodi & Max Sutherland, *Ambush Marketing: An Olympic Event*, 7 J. Brand Mgmt. 412, 412–22 (2000).

¹¹ Michael Payne, *Ambush Marketing: The Undeserved Advantage* (Routledge 1998).

¹² Sudipta Bhattacharjee, *Ambush Marketing – The Problem and the Projected Solutions vis-à-vis Intellectual Property Law – A Global Perspective*, 8 J. Intellect. Prop. Rts. 375, 375–88 (2003).
Bonham Auction House, “Glossary,” <http://www.bonham.com/inside/glossary.html> (last visited [20th September 2025]).

¹³ Dean Crow & Janet Hoek, *Ambush Marketing: A Critical Review and Some Practical Advice*, 14 *Marketing Bulletin* Art. 1 (2003).

advertising, though it undoubtedly associated itself with the Olympic Games.¹⁴ In this instance, people might feel more pity for a small, neighborhood brewery merely attempting to get recognition than for a big company carrying out a comparable endeavor. And what about the suggestion that ambush marketing is not unethical but rather is smart advertising?¹⁵ When done well, ambush marketing might just be another tactic employed by businesses to compete. It may be argued that if customers connect an ambush marketer or its goods with an occasion, this only serves to highlight the creativeness of the ambush marketing campaign and the ambush marketer's abilities. This reflects the commercial harm caused to legitimate sponsors working on a notable global event. On the other side, ambush marketing is viewed as smart marketing and a recognizable exercise of competitive creativity.¹⁶ Ambush marketing's commercial and ethical aspects are still up for debate. In addition to posing ethical questions and weakening official sponsorship, it also demonstrates the reality of fierce market competition. A balanced opinion acknowledges that ambush marketing is a gray area that is neither completely morally incorrect nor entirely acceptable. As a result, reasonable regulation must protect sponsor investments while maintaining room for creative advertising and fair competition.

X. LEGAL FRAMEWORKS GOVERNING AMBUSH MARKETING:

a. TRADE MARKS ACT, 1999

Trade Marks Act, 1999 is the primary statutory regime in India for protecting brands and regulating unrecognized commercial uses. In addition to outlining the elements of infringement, judicial remedies and the limited exceptions the Act affords registered proprietors exclusive rights. Section 29, 30 and 135 are salient provisions most commonly invoked in ambush-marketing disputes. These clauses serve as the foundation for organizers and sponsors looking for protection from ambush tactics that directly use protected signs. The term "Infringement" is defined in section 29, which usually calls for mark identity or similarity and likelihood of confusion. However, courts have limited its use against indirect associations by requesting substantial proof. Ambush marketers usually claim the defenses available under section 30 of the Act, which include descriptive and comparative use, constitute appropriate

¹⁴ Abram Sauer, *Ambush Marketing: Steals the Show*

¹⁵ Jerry Welsh, *Ambush Marketing: What It Is, What It Isn't*, (Summer 2002)

¹⁶ O'Sullivan, P., & Murphy, P., *Ambush Marketing: The Ethical Issues*, 15 Psychol. & Mktg. 349, 349-66 (1998).

commercial speech. Although section 135 gives judges the power to issue injunctions and damages, their efficacy is dependent on showing infringement or deception. These legal tools are still insufficient because ambush campaigns are hidden and indirect.

b. PASSING OFF:

Copyright and trademark laws offer sufficient protection against the first type of ambush marketing which is piracy. Here, business goodwill is preserved in addition to protecting customers from deceit.¹⁷ There are some ambush marketing examples that unmistakably fit the definition of copyright infringement. Examples of trademark along with copyright infringement or passing off include, but are not limited to, the following: the commercial use of rights, benefits, and privileges without authorization; the explicit attempt to associate with an event without a license; the use of words, symbols, or pictures that are confusingly similar to the event; the production or sale of counterfeit merchandise; the registration of website domain names with the internet to profit using famous name; the downloading and transmission via the internet of the official event broadcast's copyrighted satellite feed; and the unauthorized use of athlete appearances, images, or likeness for advertising purposes during the event.¹⁸

i. JUDICIAL RECOGNITION OF PASSING OFF DOCTRINE:

In common law jurisdictions, event owners have tried to make use of the tort of passing off, which guarantees against misrepresentation that results in consumer confusion. Ambush marketing usually relies on associative connections instead of direct misrepresentation. In *National Hockey League v. Pepsi-Cola Canada Ltd.*,¹⁹ the court determined that Pepsi's advertisements during NHL broadcasts did not sufficiently mislead consumers into believing it was an official sponsor, leading to the rejection of the claim. In *ICC (Development) International Ltd. Arvee enterprises*, using the slogans "Philips:Diwali Manao World Cup Jao" and "Buy a Philips Audio System, win a ticket to the World Cup", a lawsuit was filed seeking an injunction against the defendants. ICC had previously submitted an application to register the term "ICC Cricket world Cup South Africa 2003." Among other things, ambush marketing and passing off were among the ground brought up. The court denied this, stating that since the ICC logo had not been abused, buyers of the defendants' products could not have assumed that

¹⁷ David Bainbridge, *Intellectual Property* 521 (4th ed., Fin. Times Pitman Publ'g 1999).

¹⁸ Sudipta Bhattacharjee, *Ambush Marketing – The Problem and the Projected Solutions vis-à-vis Intellectual Property Law – A Global Perspective*, 8 J. Intell. Prop. Rts. 375, 375–88 (2003).

¹⁹ *Nat'l Hockey League v. Pepsi-Cola Can. Ltd.*, [1992] C.P.R. LEXIS 1773.

the defendants and the event's official sponsors were connected. In the case of ICC Development v EGSS²⁰, due to a copyright violation the logo was deemed an artistic work under Indian Copyright Act, an injunction was issued against the defendant for misusing the World Cup logo. The aforementioned case laws demonstrate that defendants escape when there is no specific law pertaining to ambush marketing, leaving the plaintiff without a sure remedy. In cases of ambush marketing, passing off has proven to be the most effective defense against a defendant.²¹ These cases show that implicit associations between an advertiser and a major sporting event have historically been difficult for intellectual property law to handle. There has been a growing effort to combat the second category of ambush marketing practices by using the law of passing off. Nonetheless, the courts have determined that implicit associations between an advertiser and a significant athletic event are not well addressed by passing off.²² It becomes clear that passing off cannot be done without proof of misrepresentation.²³

c. DOCTRINE OF DILUTION/UNFAIR ADVANTAGE

The fundamental principle of trademark law is distinctiveness, which states that a brand's mark must be capable to clearly identify a specific source. Even in circumstances where there is no possibility of confusion regarding the product's origin, dilution laws are intended to safeguard well-known brands. However, courts typically view event-related trademarks as more descriptive than distinctive. This makes it more difficult for event planners to prevent these marks from becoming diluted. Section 29(4) of the Trade Marks Act, 1999 extends protection to recognized trademarks even in the absence of confusion or competition. The clause prohibits employing a registered mark that: improperly exploits its unique reputation or character; is injurious to its unique personality; or is damage to its image. Although Section 29(4) may be appropriate, courts have been hesitant to apply dilution jurisprudence to ambush marketing. In the case ICC Development (International) Ltd. V. Arvee Enterprises & Anr.,²⁴ the court rejected the claim of ICC to exclusive rights over "World Cup", stating it was descriptive and relief was granted on grounds of unfair competition but not on trademark dilution. Same as in

²⁰ *CC Dev. v. EGSS*, (2003) 26 PTC 228 (Del).

²¹ Edward Vassallo, Kristin Blemaster & Patricia Werner, *An International Look at Ambush Marketing*, 95 Trademark Rep. 1338, 1338–56 (2005).

²² *Ambush Marketing and Intellectual Property* (2002), <http://www.pbpress.com/images/HOME%20A%20IP%202002/aIP0105.pdf> (last visited [20th September 2025]).

²³ David Bainbridge, *Intellectual Property* 601 (4th ed., Fin. Times Pitman Publ'g 1999).

²⁴ *ICC Development (International) Ltd. v. Arvee Enterprises & Anr.*, 2003 (26) PTC 245 (Del)

the case TATA Sons Ltd. V. Manoj Dodia., the court highlighted the dilution of the TATA mark, but did not explicitly analyze section 29(4) of the Act.

XI. COMPARATIVE INTERNATIONAL APPROACHES TO AMBUSH MARKETING:

Certain countries have taken proactive measures and enacted legislations to combat ambush marketing in view of its grave consequences. Those frameworks provide useful models for India.

a. England

In order to lessen ambushing advertising during the 2012 Summer Olympics, England passed the London Olympic Games and Paralympic Games Acts, 2006. The law gives official sponsors exclusive rights regarding the use of any representation that might establish a connection between the official sponsor and the London Olympics and provides the framework for the implementation of regulations to regulate advertising and trading in the area of Olympic event venues in order to fulfill obligations imposed by the IOC. According to the law, anyone who makes a representation that could lead the public to associate that individual or business with the London Olympic Games is in violation of the act and must pay a fine.²⁵ The London Organizing Committee of the Olympic and Paralympic Games (LOCOG) is now given control over any commercial use of protected expressions like "Olympics," "London 2012," or even combinations like "Games" and "Two Thousand and Twelve" when used in a promotional context because of to the Act's creation of the "London Olympic Association Right," a sui generis right.²⁶ In addition, it gave authorities the authority to create "advertising and trading regulations," allowing venues to have "clean zones" where advertisements could only be placed by authorized sponsors. This meant that even companies that were close by were prohibited from using specific phrases or images, or even from putting up irrelevant advertisements that were visible to onlookers.

Hartland and Williams-Burnett (2012)²⁷ claim that the regulation was one of the most comprehensive anti-ambush laws ever passed, "protecting the Olympic Games brand at an

²⁵ P. Collett & N. Johnson, *Don't Be Ambushed in 2012*, Brand Strategy, No. 199, 34, 34–35 (2006).

²⁶ London Olympic Games and Paralympic Games Act 2006, ss. 19–27 (UK).

²⁷ Hartland, T. & Williams-Burnett, N. (2012). *Protecting the Olympic Brand: Winners and Losers*. *Journal of Strategic Marketing*, 20(1), 75–88.

unprecedented scale," but it also raised questions about how to strike a balance between trade freedom and commercial protection. Many marketing experts, such as Scassa (2011)²⁸ and Louw (2012)²⁹, claim that although these regulations successfully stopped ambush campaigns by companies like Nike or Pepsi, they also limit the rights of small local businesses, some of which were forbidden from using prevalent phrases or national symbols that might be interpreted as Olympic associations. In order to draw notice to the vagueness of the Act's text, the Irish bookmaker Paddy Power conducted a clever billboard campaign that made reference to a "egg-and-spoon race in London, France." The corporation successfully challenged the order when LOCOG sought its removal, proving that excessive enforcement might be detrimental and provoke public outrage.³⁰ Notwithstanding these concerns, the Act was mainly profitable for protecting sponsor investments and creating hygienic business areas surrounding Olympic venues. The UK's strategy essentially combined administrative enforcement authorities, regional advertising limits, and legislative exclusivity rights to provide an all-encompassing event-specific mechanism to prevent ambush marketing while guaranteeing adherence to international hosting standards.

b. China

The Protection of Olympic Symbols Relations, 2002 was passed by the Chinese government after it was chosen to host the 2008 Summer Olympic Games. Similar to the Australian Sports Act, this law contains an anti-ambush marketing provision in addition to protecting Olympic names and symbols.³¹ It gave the Chinese Olympic Committee (COC) and the Beijing Organizing Committee for the Olympic Games (BOCOG) sole power to permit the commercial use of Olympic slogans and symbols such "Olympic," "Beijing 2008," and the five-ring logo. Regardless of whether miscommunication or deceit could be demonstrated, any unapproved use of these identifiers for advertising, promotions, or commercial benefit was forbidden.³²

The regulation's definition of ambush marketing, which is vaguely defined as "activities that may mislead the public into believing a business has sponsorship or other supportive relations

²⁸ Scassa, T. (2011). *Ambush Marketing and the Olympic Games: Technologies of Brand Association*. *U.B.C. Law Review*, 44(2).

²⁹ Louw, A. (2012). *Ambush Marketing and the Mega-Event Monopoly*. The Hague: T.M.C. Asser Press.

³⁰ The Guardian (2012). Paddy Power Wins Olympic Ambush Battle with Locog. July 25, 2012.

³¹ Edward Vassallo, Kristin Blemaster & Patricia Werner, *An International Look at Ambush Marketing*, 95 Trademark Rep. 1338, 1338–56 (2005).

³² *Protection of Olympic Symbols Regulations*, State Council of the People's Republic of China (2002), Articles 4–7.

with the Olympic Games or the IOC," is still a little uncertain. Scholars like Jiang and Lu (2008)³³ have pointed out this uncertainty, claiming that it might result in too broad regulation and stifle lawful economic communication by non-sponsor firms. Despite this, the rules played a crucial role in guaranteeing stringent brand control and market exclusivity in the run-up to the Beijing Games, particularly considering China's then-developing position in the international intellectual property arena.

The legislation granted administrative agencies like the State Administration for Industry and Commerce (SAIC) the authority to stop unlawful marketing activities, seize items that violate the law, and levy fines. In fact, this resulted in the widespread removal of prohibited ads, including efforts by regional businesses trying to link themselves to the Games by using pictures of athletes, red-and-gold color schemes, or symbolic allusions to "2008" and "Beijing spirit." The significant investments of official sponsors like Adidas, Coca-Cola, and Lenovo were safeguarded by this vigilant policing, which also contributed to the upholding of a "clean marketing environment." Everything considered, the Protection of Olympic Symbols Regulations showed China's dedication to safeguarding sponsor exclusivity and the Olympic brand while also matching its IP enforcement procedures with international standards established by the IOC.³⁴

c. Japan

One of the primary techniques used to stop ambush marketing is trademark protection. When ambushers use the same or similar marks, event planners and official sponsors often look for remedies under trademark statutes. For example, if ambushers used protected marks like "Olympics" or "Tokyo 2020," the international Olympic Committee (IOC) and Tokyo Organizing Committee (TOCOG) could seek injunctions or damages under Article 37(1) of the Japanese Trademark Act. These claims, however, are only considered successful when the mark is used "as a trademark," that is, as a source identifier, which leaves space for ornamental or hidden allusions to events (Trademark Act, art. 26(1) (vi)).³⁵ Aware of these difficulties, the Japanese government put in place a number of additional intellectual property laws and

³³ Jiang, Y. & Lu, H. (2008). *Legal Protection of Olympic Symbols in China: Balancing IP and Public Interest*. *Peking University Law Journal*, 6(2), 145–162.

³⁴ International Olympic Committee (IOC). (2008). *Beijing 2008 Marketing Report*. Lausanne: IOC Publications.

³⁵ Atsushi Okada & Daiki Ishikawa, *Trademark Protection Towards the Upcoming Tokyo Olympics*, 21 Bus. L. Int'l 115 (2020).

regulations to limit deceptive advertising and false sponsorship claims in advance of the Tokyo 2020 Olympic Games. Businesses were prohibited to use logos, pictures, or statements that may be confusing to official sponsors or authorized partners under the Unfair Competition Prevention Act (UCPA) (UCPA, art. 2(1)(i)). Additionally, Olympic logos and mascots were partially protected from unlawful copying by the Copyright Act. In the lack of a separate "anti-ambush marketing" law, these overlapping frameworks sought to strengthen protection.

Okada and Ishikawa (2020)³⁶ claim that Japan's strategy was a hybrid model that incorporated voluntary industry compliance, administrative guidelines, and current intellectual property regulations. Combined with TOCOG, the Consumer Affairs Agency (CAA) and Japan Fair Trade Commission (JFTC) issued warnings to marketers cautioning them against implied sponsorship statements in digital and social media marketing. Furthermore, the IOC's Brand Protection Guidelines were incorporated into domestic enforcement, creating proactive measures to keep an eye out for possible ambush content on social media, e-commerce listings, and outdoor ads. All things examined, Japan's system demonstrates a practical, intellectual property-based approach to ambush marketing—avoiding overregulation while preserving robust sponsor protection through interactions between administrative, judicial, and private enforcement mechanisms. Thus, the Tokyo 2020 Games provided a trial ground for contemporary anti-ambush tactics that combine digital-age brand oversight with conventional trademark concepts.

d. Actionable recommendations

These models emphasize two important components. Those are anticipatory regulation and event-specific protection. The experience of the United Kingdom shows that advanced legislative preparation, like the London Olympic Games and Paralympic Games Act, 2006, can create a thorough legal framework that guarantees adherence to international hosting obligations while defending sponsors through exclusive rights and "clean zones." The effectiveness of administrative enforcement and centralized intellectual property control is also demonstrated by China's Protection of Olympic Symbols Regulations, 2002, wherein agencies such as the State Administration for Industry and Commerce actively prevent deceptive associations and guarantee strict sponsorship exclusivity. By contrast, Japan's hybrid

³⁶ Okada, T. & Ishikawa, H. (2020). *Trademark Protection Towards the Tokyo Olympics: Legal Framework to Regulate Ambush Marketing*. *Waseda Journal of Law & Policy*.

framework emphasizes how soft law measures and inter-agency cooperation can be used to harmonize existing intellectual property regimes, such as the Trademark Act, Unfair Competition Prevention Act, and Copyright Act, to regulate emerging forms of ambush marketing, particularly across digital and social media platforms.

A targeted legislative mechanism, akin to the UK's event-specific model or Japan's hybrid administrative approach, could thus boost sponsor confidence, attract international investment, and align India's regulatory structure with international best practices for events like the IPL or Cricket World Cup. This would close the current gap between sponsor expectations and the limited remedies available under the Trade Marks Act, 1999 and the common law tort of passing off. The careful balancing act between sponsor exclusivity and fundamental liberties, especially the right to freedom of speech and expression under Article 19(1)(a) of the Indian Constitution, is highlighted by the experiences learned from these jurisdictions. As demonstrated by the complaints of China's vague definition of ambush marketing and the UK's overly expansive "association" test, overly stringent regulations may hinder genuine commercial communication and innovation. In order to safeguard the rights of official sponsors without jeopardizing fair competition or the freedom of non-sponsor businesses to participate in innovative, sincere advertising, India's regulatory reaction must be open and reasonable.

A well-rounded framework for India may include event-specific laws that clearly define ambush marketing, set limits on acceptable advertising, and include administrative supervision for enforcement during important athletic events. It should also have protections that uphold the free commerce and commercial expression guarantees found in the constitution. India could modernize its sponsorship protection regime while maintaining the democratic values and market fairness ingrained in its legal system by taking a nuanced approach that draws from China's administrative rigor, Japan's hybrid IP coordination, and the UK's proactive planning.

XII. CONCLUSION:

The conflict between protecting sponsorship rights and upholding freedom of expression and commerce is highlighted by ambush marketing in India. Limited defense against indirect or creative forms of ambush marketing is provided by current legal mechanisms, specifically the Trade Marks Act of 1999 and the passing-off doctrine. Despite large financial commitments, sponsors are left vulnerable due to difficulty of fitting such practices within traditional IP doctrines, as demonstrated by judicial approaches shown in cases such as ICC Development v.

Arvee Enterprises. To close this gap, countries like UK, Japan, and China have enacted event-specific laws, showing that sponsors can be adequately protected by an appropriate legal framework. But in India, laws which are too strict increase the risk of violating Article 19(1) (a) of the constitution. India therefore needs a comprehensive plan that permits honest and equitable marketing competition while also defending legitimate sponsorship rights. The necessary clarity and deterrence can be achieved through a combination of judicial adaptability, event-specific contractual protections, and statutory reforms, in addition to boosting sponsor confidence, such a framework would uphold market justice, respect constitutional liberties, and confirm the long-term viability and credibility of major events.

XIII. FUTURE DIRECTIONS:

- 1) **Enact Event-Specific Law:** India ought to enact a specific Anti-Ambush Marketing Law based on models like the Major Events Management Act of 2007 in New Zealand and the London Olympic Games Act of 2006 in the United Kingdom. This would create liability, clearly define ambush marketing, and provide authorities the authority to take action at significant athletic and cultural events.
- 2) **Strengthen Trademark Law Application:** Expand protection against indirect associations and dilution by amending Section 29(4) of the Trade Marks Act, 1999. This would enable enforcement even in cases where there is little misunderstanding but clear unfair benefit.
- 3) **Enhanced Enforcement Mechanisms:** To monitor, look into, and respond to ambush instances during major events like the IPL or Cricket World Cup, establish a central enforcement unit within the Ministry of Information & Broadcasting or DPIIT.
- 4) **Campaigns for Public Awareness and Brand Protection:** Start public and advertiser awareness campaigns that highlight ethical advertising and the financial benefits of sponsorship integrity while differentiating official sponsors from ambushers.
- 5) **Balanced Freedom of Expression and Fair Competition:** Make sure that any anti-ambush framework complies with Article 19(1)(a) of the Indian Constitution, which protects genuine comparative advertising and commercial speech while prohibiting dishonest tactics.

- 6) Encourage the Advertising Standards Council of India (ASCI) and event planners to implement brand protection policies and contractual provisions that forbid ambush techniques between marketers and participants in order to foster industry self-regulation.

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