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# AMBUSH MARKETING AND BRAND PROTECTION

Law and Practice  
SECOND EDITION

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PHILLIP JOHNSON

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## PREFACE

The ambush of an event is unexpected and uncertain. The laws which can be used to prevent an ambush are varied and evolving. This means that any book on ambush marketing must concentrate on the laws which are most likely to be relevant to ambushes, but the changeable nature of the practice means that no book can ever be comprehensive.

The first edition was written over the summer of 2007 when many changes were afoot in the law of ambush marketing and this evolution looked as if it was enjoying a hiatus. The autumn which followed showed that this pause was not to be and the laws in the area have continued to be enacted apace. This second edition is more than double the length of the first edition. It is divided into three parts. Part A is a much expanded version of what was Chapter 1 of the first edition. Part B reflects Chapters 2 to 9 of that edition, although it has been substantially updated to reflect the developments in trade mark law, the creation of the company names adjudicator and, more importantly, the laws relating to the 2014 Glasgow Commonwealth Games. This event has also necessitated greater discussion of Scots law. Part C is entirely new and represents a discussion of the relevant laws for ambush marketing in Australia, Canada, New Zealand, South Africa, and the United States.

As with any major project there are many people whom I have to thank. First and foremost I must thank Johanna who continues to give me unwavering support for my work and (usually) puts up with me sitting in front of the computer for hours on end. She has also come to accept my strange obsession with potential incidents of ambush marketing. I must also thank Malcolm Langley, the librarian of the Queen Mary Intellectual Property Archive, who has helped me find some strange and unusual texts for this book as he does with so many of my other projects.

I initially had problems with certain aspects of the South African chapter due to the resources being unavailable in the United Kingdom, but the kind assistance of Dr Owen Dean and Wilma Gilson at Spoor and Fisher enabled me to fill many holes that would otherwise exist in that discussion. In addition, my gratitude goes to Corné Koch and the Advertising Standards Authority of South Africa who kindly provided me access to Ad Library. I would also like to thank those people who kindly spoke to me and gave me some further insights into the history and development of ambush marketing both here and abroad, in particular Owen Dean (once more), Nick Munn, and Janette McNeill at the Intellectual Property Office (the Patent Office) and David Becker, Legal Director of the International Cricket Council. I would also like to thank Marianne Chappuis and Sophie Holzer from the legal department at the International Olympic Committee.

Lastly, I must thank Luke Adams, Sophie Barham, and Clódagh McAteer my commissioning editors at Oxford University Press as well as Jodi Roberts and Caroline Quinnell who took this project through its production for the Press.

I have endeavoured to state the law as I believe it to be on 1 July 2011 although some subsequent developments have been included, and the mistakes that remain in the text are entirely mine.

*1 August 2011*

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