

AMBUSH MARKETING: WHETHER A BLESSING OR CURSE -FOR A BUSINESS

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Abstract

The article gives an insight into the marketing of ambushes; this type of marketing has a different aspect to the marketing strategies used by companies. It is commonly used for companies facing a high degree of competition.

The accompanying report presents readers with extensive details on the methods used, forms of ambush marketing, their evolution, various viewpoints on their usage, laws and regulations, and ethical beliefs and expectations. The article also gives examples of the ambush marketing and its effects, pros and cons by companies. Events around the world may have led to laws concerning ambush marketing, but in India, despite a number of activities in ambush marketing in India, there is no specific law dealing with ambush marketing. The article focuses on embassy tactics, the effect of these actions on sponsors, event managers and consumers as well as regulations to discourage such practices.

Keywords: AMBUSH MARKETING: WHETHER A BLESSING OR CURSE -FOR A BUSINESS

Introduction

Throughout the field of intellectual property there is another area, known throughout recent years as "Ambush marketing," also known as "guerrilla" or "parasitic marketing" as well as patents, Copyright, design and labels. As far as intellectual property is concerned. In the 1980s, advertisement designer Jerry Welsh of the American Express Corporation coined the word Ambush marketing. The words "embassy" used in Ambush Marketing involve attack from the unseen location. Ambush Marketing has appeared on the market in the contemporary

age as an active weapon in industries seeking to connect with sports events without the authorization or official agreement of the organizer of events.

At first, the term "ambush marketing" was introduced to represent the exercises of those organizations that sought to collaborate with an opportunity, without charging the opportunity proprietor the imperative fee. In this way, they trapped honest support for goodness to the point of giving the shoppers the impression that they-the ambusher-were

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told the truth to the patron. Although this narrow viewpoint of the Snare Display still remains, the word is now used even more frequently not to represent an entirely truthful variety of goodness and ethical solutions techniques to invade open consciousness (Meenaghan, 1994).

In simple terms, it is the concept that advertisers are engaged in a specific event to promote their product without paying any kind of sponsorship fee. The goal of Ambush Marketing is..

- (1) To obtain the highest return from marketing money,
- (2) To dismantle the opponents' branding efforts by disturbing and confusing the public:

At present, Ambush marketing has become an significant problem in the violation of intellectual property and many countries still have no clear law in this area. However, some nations, such as South Africa, Brazil, Canada, New Zealand, the United States, etc. are aware of and have made legislation to ban Ambush's marketing. We can't say worldwide doesn't know about Ambush Marketing, nor are it on a small scale, but rather that this activity is generally carried out in major events like Olympics and FIFA, why not make some rule that applies specifically to it and absolutely forbids it.

Evolution Of Ambush Marketing

Ambush Marketing does not only rival the brands that result in this evil practice, but can be said to be an intelligent way to take care of a brand. In general, the word "Ambush marketing" can be defined as an attempt on the part of a third party to create a direct or indirect affiliation at or participating in the

sport event without their permission, thus denying the part of the business interest derived from the 'official' label to official sponsors, suppliers and partners. It is a description of 'ambush marketing' in general.

The sponsorship increase was mainly due to two reasons:

1. Researchers thought it could clear the advertising clutter. That made it an ever more desirable alternative to exposure in the mass media.
2. Event owners have built more sophisticated packages that have allowed them to generate better returns from their events.

Ambush marketing was developed when businesses were previously excluded from official sponsorship deals by way of expenditures or category exclusivity from connecting to such important events as Olympics. The first time that Kodak fought to win Fuji's right to fund the 1984 Olympics was Ambush marketing. Kodak was undeterred and financed the broadcasting of the ABC and the official video team of the United States..'

Kodak has received sponsorship of the 1988 Olympic Games from all over the world, but Fuji has promoted vigorously its U.S. swimming team sponsorship.

The IOC (International Olympic Committee) has expressed deep concern about the marketing of ambush. In early 2003, when the Indian Cricket Team approached the ICC Champions Tournament, a similar situation arose. Players expressed concern that the personal advertising and endorsement contracts they had entered into would conflict with the ICC anti-ambush rules designed to ensure that official sponsors had exclusive promotional rights during the event.

Such examples offer a brief overview of the connection between sports and Ambush marketing

Types of Ambush Marketing:

1. Direct Ambush Marketing

The icons and related logos of the event are

Direct Ambush Marketing:	Indirect Ambush Marketing:
i. Predatory Ambushing	i. Associate Ambushing
ii. Coattail Ambushing	ii. Distraction Ambushing
iii. Property Infringement	iii. Values Ambushing
iv. Self Ambushing	iv. Insurgent Ambushing
	v. Parallel Property Ambush

used strategically to include the image with regard to the current event supporters. The person or marketer actively attempts to reap the benefits of the case. Direct Ambush marketing is done in a variety of ways. Any of them appear in the following segment.

- **Predatory Ambushing-** The overt Ambushing of the rivalry by the industry, by purposely targeting the official supporter of an opponent in an attempt to obtain market share. An example of violent ambushing was the AMEX drive against VISA during the 1994 winter games. Official VISA sponsor was shocked when AMEX broadcast a advertisement that says, "If you go to Norway, you will get a passport and not a visa."
- **Coattail Ambushing** — A brand's attempt to explicitly align with a property or event by "playing" a legally appropriate connection to the property / event without financial help / without obtaining official event sponsorship status. In other words, it refers to an case by the unwanted client group.
- Following Liu Xiang's injury in the men's 110 m hurdles in the 2008 Beijing summer Olympics, Nike released a full-page

advertisement in the main journal of Beijing featuring an picture of Liu, a Nike-enormous competitor, and the slogan: "Heart competition. Love threatens your fierceness. Joy to win it. Joy to give it everything you have

- **Ambushing with the trademark / license infringement** — There may be logos of teams or events, illegal usage of intellectual property, or use of unauthorized references to competitions, teams or athletes, terms or signs in the advertisement of a brand to link a property or an event in the eyes of customers.
- The betting company Unbent released a series of magazines for online betting at the European Champion, which includes specifically "Euro2008" and football advertising in its publications in the UEFA European Championships 2008.
- **Ambushing 'by degree'**- Drawing by degree-Promotion by an official sponsor beyond what was decided on in the sponsorship deal, also known as self-ambushing sponsorship. The practice of self-ambushing breaches the boundaries of sponsorship requirements of one organization in such a way that it compromises the

promotion or advertisement of another sponsor. In 2008, Carlsberg, official sponsor of the UEFA European Championships, distributed headbands and t-shirts at the competition with the Carlsberg logo. The advertisement was not included in its sponsorship agreement and breached other company's sponsorship, which allowed it to sell the items.

2) Indirect Ambush Marketing:

- **Ambushing by association-** The use of imagery or terminology not protected by intellectual-property laws to create an illusion that an organization has links to a sporting event or property
- **Value-based ambushing:** Adapting the marketing strategies by a non-sponsor, to promote the same ideals or to have the same subjects as the event or its promotion, to draw non-sponsored marketing audiences. You should understand that you relate directly to the theme or principles of the event or property, so that the customers have a connection to the event. Puma used the title of June 2008: Together Everywhere at the European Championship in 2008 to advertise his football side, thereby making a clear reference to the case that took place that month.
- **Ambushing 'by distraction'**- It can also be interpreted as the diversion that is created in or around the venue, which does not contribute to the event in order to get the audience's attention and thereby promote the brand's product.
- At the 2008 Open Championship, Bentley set up a display of Bentley cars outside the hillside golf course, next to the Open Royal Birkdale, which attracted a wide audience.
- Parallel property ambushing- The example

of "ambush by diversion" means that the commodity sold by an ambusher is the case / owner and therefore capitalizes on the goodwill of the main event. In 24 different countries across the globe like Shanghai, Nike arranged a global competition "humane sprint," where Olympics in 2008 were held, continued for 7 days following Olympics, and gathered an unprecedented international marketing session between Nike and the Olympic Games.

3) Incidental Ambush Marketing

- **Unintentional Ambushing-** When, due to their prior affiliation or due perceptions of affiliation, customers mistakenly recognize a non-sponsoring organization as the official sponsor of the event. As a result of the popularity of swimmers wearing LZR racer swimsuits, Speedo received substantial media attention.
- **Saturation Ambushing-** Around the time of the case, saturation ambushers increase their broadcast media ads and promotions but do not discuss the case itself and prevent any associative images or suggestions. At the Beijing Olympics, Lucozade was able to actively promote her goods well beyond their traditional marketing of sportsmen and women. The enhanced media interest and viewing viewers that follow the series are actually capitalized by the exposure ambushing.

IT'S A TRAP:

Ambush marketing for most companies is not a feasible marketing technique. The costs involved can be prohibitively costly for anyone but for the richest in brands, but the underlying tactics under ambush commercialization as a term can easily be used for your

campaigns, from search network PPC campaigns to visual campaigns on Facebook in particular. Consider what you might learn from the above examples, as soon as you sit down to write or refine your next campaign. You may not rub in the face of a rival at Times Square with a big billboard, but you may be able to

Advantages Of Ambush Marketing In A Business Practice:

The main advantages of ambush marketing are that it enables brands to exempt themselves in style, tone or content from their regular ad campaigns. Brands can and often employ strategies outside the reach of an existing brand or advertisement guidelines

that offer the ambush a lot more versatility and imagination..

Rona and the iPods

You can not help but attract attention when you are one of the wealthiest companies in the history of humanity. Another classic ambush marketing example, case by case, of a company using Apple ads for its own purposes.

In 2010, the colorful iPod of Apple, Nano, was one of the most popular MP3 players (when I type it, I'm old). Apple has built a billboard ad next to Jacques Cartier Bridge in Montreal to promote the iPod Nano line with the vibrantly colored MP3 players..



Sensing an opportunity, Canadian paint and hardware firm Rona seized its chance. Rona soon erected its own billboard ad directly beneath Apple's iPod ad to advertise the company's new paint recycling program. The ad, which bore the slogan "Nous récupérons les restes de peinture" or "We collect leftover

paint," was brilliantly simple, and the ad remains one of the best and most creative examples of ambush marketing in recent memory.

Disadvantages of Ambush marketing

Marketing ambush is generally pretty costly

Perhaps the greatest downside of ambush marketing is that it could potentially become very costly. A great example of this is the previously mentioned BMW vs. Audi ambush in Santa Monica, Calif. Suppose every billboard costs \$10,000 in the area. The struggle between the two companies lasted months, resulting in four separate billboards (which would have been more costly) being built in the same area. In addition, one of the billboards was blinked by BMW. It would have cost over a half million dollars to blimp alone. Attach the expense of design and development and it's really costly.

Return on investment (ROI) is very hard to calculate for ambush marketing campaigns

In general, it is very hard, if not completely impossible, to measure the return on investment (ROI) of an ambush marketing campaign. The quantity of cars which BMW had to sell is very high to recover the costs for the blimp. There is therefore no way to judge if its ambush marketing wars against Audi brought successful returns on the money spent (the same goes for Audi too).

Marketing in ambush relies heavily on space and time.

In addition to the potentially massive costs associated with ambush marketing, the campaigns depend also on a rapid reaction and coordinated success planning. The lack of disponibility or the extremely high inventory cost required to update the ad exacerbates the situation.

Some of more benefits from Ambush marketing are listed below

- The brands and their corporations earn

plenty of free media with ambush ads. Additionally, the advertising companies won, as the consumer raises spending.

- Many people see a sudden interest in advertisement and marketing agencies. This brings renewed strength and excitement. The CEOs of both companies invest more time with the market leaders in question, thereby gaining greater exposure and opportunity.
- There's something about news and business media, always searching for information. The juice is new. Now several columns can be filled. As for customers, they have a lot of fun and expect that prices will fall due to fierce competition.

EFFECTS OF AMBUSH MARKETING ON BUSINESS

- Ambush marketing has become very effective, many indications are there, although there is very limited evidence of its occurrence. However, such activities harm sponsors, event organizers and consumers and infringe their rights.
- .Effect on sponsorship: Sponsorship is required for any successful event and helps event organizers with regard to revenue rather than offering logistical support, so as to enable the event to draw people to this event and to do so. The event organizers do not only benefit from this sponsorship but also the sponsors, they are trying to draw customers to their company through the sponsorship
- Effect of Event Organizers: The exclusive right of the distributor is in violation when the Ambusher comes into the business. What an exclusive sponsor might gain, if the ambusher comes on the market, his

earnings would fall to over 10 million dollars. This will lead the sponsors to think about how investing in sponsorship would eventually affect the generation of revenue for any event and can contribute to a decline of popularity of large part. Before the 2010 FIFA World Cup, when Adidas did not make a three-minute commercial with various actors including Ronaldo and Drogba as official sponsor before the world cup, The video was watched by Cannavaro, Rooney and Ribery, You Tube and almost 14 million users. The ad has no marks, the event's label but attracted people of the same type that influenced the official sponsor's exclusive rights. This may have prompted sponsorship of the FIFA World Cup21 to think about more sponsorship.

- Effect of Consumers: The primary explanation why businesses or organizations invest in embassy promotions is to promote the company's profile. Such hijackers use a photo sharing mechanism for glamorous sports to meet the target classes. We impact the customer in a manner that takes a positive identity into a market, draws the market and follows the brand and then passes the positive image of the incident back to the brand.
- Effect on IPR Right Holder :Ambusher not only abused the holder's IP rights (sponsors

and event organizers) by Ambush Promotion, but transgressed IP's rights by capitalizing on the good will generated from an event. Such ambushers are using licensed event coordinator icons that can contribute to serious losses for the sponsors.

Some Case Studies:

The infamous Santa Monica BMW vs. Audi Ambush Marketing Fight

The beaches, piers and glorious weather is popular in Santa Monica, California. However, the battlefield on which BMW and Audi, both Teutonic car manufacturers, took part was also the rich coastal city.

The seeds of disputes were sown after BMW organized a rally in Midwestern Wisconsin (not because there was any affection lost between the two). A awareness campaign was initiated to promote the rally slogan was "A BMW rally with two nearby service centers. What are next, paramedics at a chess tournament?"

Audi has seen this as a chance to take advantage of BMW's slogan. Audi bought a billboard and published its brand-new A4 sedan in Santa Monica, mocking the slogan of BMW:



For Audi it was not enough that single billboard. It doubled its position and created another sign to make fun of the absurd chess topic of BMW:



Not only did BMW softly go into the night or switch the other cheek. BMW bought a billboard in the street from Audi and searched for a chess theme, but that wasn't the end, and Audi was responding with a R8 supercar billboard. Even after that, the German giants

did not stop. BMW has purchased a glimpse and placed it as a response to the Audi R8. The picture of a BMW Formula 1. In order to make the wound worse, BMW attached the F1 car to the Audi R8 billboard.





- **Coca-Cola – PepsiCo:** A total of \$400 million, including 85 million dollars, was spent by Coca-Cola in advertisements in 2008 in Peking as an Olympic sponsor, and customers believed Pepsi to be the official sponsor. The highly successful marketing strategy of PepsiCo involved an online competition, which attracted 160 million voters from China. On cans the cheer Team China was printed the winning entries. Pepsi has also substituted the conventional blue and red cans in China
- **Olympic Games:** Former Olympic gymnast Li Ning was the last flashing bearer and eventually shot at Beijing National Stadium during the opening ceremony of the 2008 Summer Olympics in Beijing. Li Ning is also the founder of the same-name domestic shoe group. Although Li Ning was not the official sponsor, it still affiliated with the games as they were a supplier of equipment for many Chinese Olympic teams and Li Ning was a Chinese sports and business symbol. The company was also a major supplier of equipment. Due to his

sponsorship, however, Ning and his official Olympic sponsor Adidas, during the ceremony, were allowed to wear clothing from his contestant.

- **Kodak-Fuji:** Ambush marketing really started in the 1984 Olympic Games when they released a series of ads indicating that they were not the official sponsors. We managed to convince the client, because Fuji Film was their official sponsor. 1996, Fuji was again ambushed by Kodak. Kodak purchased 50 big posters in this town for the next four years, valued at \$28,000 a month, as soon as Atlanta won rights in the 1996 summer games. So, Kodak again piped the official sponsor Fuji in the article
- **Samsung vs. Apple:** Apple was able to launch its flagship mobile device iPhone 4S in October 2011, the newest version. Apple's group was set up a pop-up shop only a few meters from the prestigious store of Apple in Sydney, Australia, and Samsung was waited eagerly to get their hands on the latest iPhone. Samsung's new iPhone, a Galaxy SII program was scheduled for

launch. Many managed to avoid the enticing offer of Samsung, but many more chose a new Samsung smartphone instead of waiting on the iPhone 4S.

While Samsung had a massive financial hit

with its iPhone launch stunt (which we'll soon break down), it was a reality that demonstrated the ease with which one of the world's leading brands could push their coat-tails



LAWS RELATING TO AMBUSH MARKETING

Ambush marketing has now become an important factor in the abuse of intellectual property and many countries still do not allow any clear legislation in this regard. Yet certain countries are aware of and explicitly forbid the seriousness of Ambush's marketing in the near future

India

Ambush advertisements from the hoardings in Mumbai recently witnessed us. The Jet Airways went on to campaign for the title "We've changed and the Kingfisher Airlines

went on to say "We've changed the subject." These two were ambushed as the Go airways came up and said, "We haven't changed. The best way to navigate we're all. Besides that, Procter & Gamble launched an ad campaign with a slogan called "A Mystery Shampoo" for their shampoo brand 'Pantene.' After a few days from the launch the shampoo brand 'Dove' came up with a ta, the 80 percent women say, it's better than anything.

Bearing these events in mind, no clear anti-ambush marketing legislation is currently developed in India. Though India plans to host

the Olympic and other megatric sports event in the near future, no legislation has been laid down to specifically prohibit the marketing of Ambush in the future. However, the 1999 Trademarks Act requires a campaign to take infringement action or to put about an end about compliance with the Trademarks Act in 1999, whether it uses registered trademarks for a event organizer. In the case of ICC Creation v. Arvee Enterprises and Anr, the plaintiff must prove "likelihood of contention to succeed in his lawsuit."

Therefore, Ambush Marketing is authorized by the Copyright Act 1957 in a restricted number of instances. If copyright is infringed as if a party is using a logos, label or some form of original work without the owner's permission. The Copyright Act 1957 gives the copyright owner the privilege of exercising, reproducing or publishing his rights over his work, and, if the other party does the same with no license, it constitutes 18 Copyright infringements. Delhi High Court has acknowledged the restricted Copyright position in granting an order and prohibited the defendants from adding the 'ICC World Cup 2003' wish logo in the case of the ICC Creation v. Evergreen Services Stations.

Canada

In Canada of National Hockey League v. Pepsi Cola Ltd. the first case recorded world-wide for Ambush marketing. In this scenario, during National Hockey Playoff games and Stanley Cup Pepsi took a campaign called 'Diet Pepsi \$4 million pro Hockey Playoff Pool' Pepsi was not the official sponsor here, but the official sponsor of the events was Coca-Cola. Any action involving a individual in such activity in Ambush Marketing and making falsified public

statements would apply, however, in the event that the regulations on Ambush Marketing are not expressly referred to in the Canadian Competition Law.

Australia

Australia has also recently become a pioneer in legislation relating to the sale of ambush goods. The Australian Government passed the Security Act of Sydney 2000 (Spieled and Images) in 1996 during the Summer Olympics in 2000 in Sydney and the government of New South Wales passed the Olympics Arrangements Act 2000. The Australian Government passed it in 2000. An important part of the two laws was 'Sports Specific legislation introduced to discourage the commercialization of Ambushments and to provide safe game venues that can prepare New South Wales and Australia for potential sports and major marketing campaigns.

Brazil

The fear of ambush marketing is also expected to be in large part there as the time approaches for the 2014 FIFA World Cup in Brazil. While no new legislation was passed in Brazil on Ambush Marketing, there are conventional laws protecting against Ambush Marketing. A direct marketing ambush strategy may be prohibited by the Brazilian Act of Industrial Property because it forbids unlicensed registrations for the duplication or imitation of officially recognized sporting event names and symposiums. This trade mark defense is commended by the Brazilian Sports Act, also known as the Pele Act, which protects sports administration names and symbols.

AMBUSH MARKETING: WHETHER A BLESSING OR CURSE- FOR BUSINESS?

View Point

The extremely controversial question of ambush marketing is that it is an acceptable business practice because many rights are violated. Compared to the promoters and supporters of activities, ambush promotion is immoral activity which compromises the reputation of activities to an even greater degree. "Ambush marketing is not a game according to IOC's marketing officer. This is a life-threatening and dangerous enterprise and will kill sponsorship. When the promotion of ambush ... The fundamental income base for sport would then be compromised if it is left unregulated. When you do not know to adequately defend your sports and other funded organizations, their freedoms

Corporate sponsors say that ambushers lose their exclusive right to be a sponsor and build their identity as a sponsor for customers of the event, which has a direct effect on the return on investment of official sponsors. According to them ambush marketing is a hazard to the desired sales value they expect²⁷.

The feeling of event organizers is the danger to their profits and potential funding. Sponsorship is not a modern concept, but it is one that takes place.

Sponsors are like 'angels' for the event promoters, who increase their income and plan promotional activities, offer logistical support to the organizers with only a limited interest that represents their brand name only (exclusive). However, if the rights of other brands are lost and their money is shared, it encourages them to believe that they will sponsor the next thing. This poses a problem

for the sponsors who will fund the case, but also a problem for the event's credibility.

Ambushers, on the other hand, argue that the business practice is not immoral. That they live on a free market where there is open competition where they are entitled to sell their brands. The official sponsors are responsible for how they market their brand and event²⁸. They note that, if only the advertisers are given advertising rights, the equal competition on the market will not be affected. Jerry C. Welsh, former Head of Global Marketing at American Express, says rivals have not only a right to take advantage of these activities, but also an responsibility for shareholders

Appartment

Marketing Ambush is not a common phenomenon but the rise of global sports activity has created concern about this practice. These activities, as they have a much greater impact on the interests of various stakeholders, have raised several questions that legislation should be implemented in order to put an end to such activities.

Many of the statutory actions on enforcement of sponsorships and stopping Ambush marketing were released in London's Bill for Olympic Games discussed in the Permanent Committee and amended on 15 July 2005. That legislation was designed to allow sponsors to get adequate returns on these investments and the event will run smoothly and spoil.

However, no clear law exists in India to prohibit these activities. Ambush Markets also exist in India with many impacts. In India we are also attempting to have Olympics, but it would be difficult to conduct Olympics in India without any legislation on ambush marketing.

We won't have strong sponsors and there would be funding issues if no sponsors are present. In addition, without successful advertising campaigns, people do not show interest. As a result, legislation on ambush marketing in India is urgently needed.

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