



## Ambush marketing and the Sochi Olympics

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On the eve of the Sochi Olympics, the Olympic Committees, broadcasters, marketers, and their legal teams, have begun to brace for the next round of ambush marketing.

Ambush marketing is the attempt to capitalize on an event without being an official sponsor. There is a range of ambush marketing: outright unauthorized use of the Olympic marks, simply leveraging the “spirit” of the event, to creating brand presence at the event venue, for example, by having athletes and attendees wear noticeably branded apparel. Of late, a new type of ambush marketing, “flood” or “saturation” marketing, is getting more “buzz”. This type of marketing involves an advertiser buying up all of the media space for a broadcast event, or on a webpage.

In Canada, the *Olympic and Paralympic Marks Act* protects certain Olympic marks in Canada, and augments the protection afforded to these marks under the *Trade-marks Act*. The *Act* prohibits companies from running promotions in association with a mark in a manner that is likely to mislead the public into believing there is a business association with the Olympics, or approval, authorization or endorsement by the Canadian Olympics Committee (COC). The COC has issued the *Public and Business Community Brand Use Guidelines*, and has issued separate guidelines for media, sports sponsors and athletes. The Canadian Broadcasting Corporation (CBC) is the Official Canadian broadcaster of the Sochi Olympics, and will be reviewing and approval all advertising in advance of broadcast.

It remains to be seen what creative attempts will be made to capitalize on the Sochi Olympics, and how they will be addressed.

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