



Northern Territory
**MAJOR
EVENTS**
Company

Ambush Marketing Policy

| Document Details | | | |
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| Document Title | Ambush Marketing Policy | | |
| Document Number | EVENT-001 | | |
| Author | Head of Major Events | Date | 22/06/2020 |
| Version | 002 | | |
| Approved by | Tim Watsford - Chief Executive Officer | Date | 22/06/2020 |
| Document Review Date | 01/02/2021 | | |

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| VERSION HISTORY | Version No: 002 | Date: 22/06/2020 |
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1 Purpose

This Ambush Marketing Policy sets out a course of action to reduce the risk of Ambush Marketing and to protect Northern Territory Major Events Company Pty Ltd (NTMEC) and Event Partner commercial rights.

Ambush Marketing is the unauthorised commercial exploitation of an event by either suggesting an association between a brand or any goods and services and the event; or by intruding on the event and the attention of the associated audience (also known as vicinity marketing).

It is important that Ambush Marketing is dealt with in an appropriate and balanced manner, taking into account the nature of the attempt and the location and scale of the attempt. In addition, public safety and order must be paramount. PR ramifications must also be considered. In many cases, taking action may inadvertently create a media or other spectacle that will only serve to generate more exposure for the ambush marketer.

2 Overview and principles

There are significant costs associated with the hosting and staging of major events in the Northern Territory and NTMEC would not be able to fulfil these obligations without the ongoing support of Event Partners. In return for that vital financial support and investment, Event Partners are guaranteed an exclusive association with NTMEC and Events, which is protected through this Ambush Marketing Policy.

NTMEC takes a three tiered approach to Ambush Marketing and rights protection:

- a) **Operational:** NTMEC has introduced a number of operational and practical strategies to minimise the occurrence of Ambush Marketing
- b) **Contractual:** Event Partners are afforded strong protections through NTMEC's standard contracts, including the Event Sponsorship Agreement and Ticket Conditions
- c) **Legal:** NTMEC owns the copyright in NTMEC Marks including Event Marks and has registered the NTMEC Marks and Event Marks as trademarks and will, where appropriate, take formal legal action.

In the event of any Ambush Marketing, NTMEC will take reasonable steps to immediately cease Ambush Marketing infringements.

In order to minimise the occurrence of Ambush Marketing, NTMEC has developed operational strategies which can be divided into three key areas:

1. General brand protection of Event Partners through approval processes and contractual arrangements;
2. Minimisation of Ambush Marketing within a Venue where NTMEC can control terms of access; and
3. Minimisation of Ambush Marketing outside a Venue but within its immediate surrounds where NTMEC has responsibility.

Within a Venue, NTMEC relies on Accreditation and on the Ticket Conditions granting NTMEC the right to refuse entry to, or to eject, any patron who engages in Ambush Marketing.

3 Event Based Ambush Marketing

Venue security (with Event Control support) will monitor & search patrons, confiscate and escalate suspected Ambush Marketing.

Outside a Venue, NTMEC relies on employees and Event Partners to identify any infringement or Ambush Marketing, including the distribution of unauthorised Advertising Material. If Ambush Marketing is identified, Event Control must be notified to instigate preliminary action.

Patrons are bound by NTMEC Terms and Conditions of Entry. Patrons “must not engage in any form of ambush marketing and must not conduct any activity that conflicts with, impairs, infringes or denigrates the rights of any official sponsor or NTMEC. This includes but is not limited to:

- distribution of unsolicited marketing materials,
- conducting unsolicited marketing activities,
- use of NTMEC tickets for unendorsed promotions, advertising, commercial trade and charitable purposes, including activities of commercial gain,
- use of NTMEC Mark including Event Marks, including in Advertising Material and on Products, Premiums and Merchandise,
- unauthorised erection of banners and signage,
- conducting activities protected by commercial rights,
- conducting third-party activities.

Ambush Marketing material will be confiscated and will not (if readily confiscated) be returned until after conclusion of the event.

Event Partners, Participants and Patrons wishing to conduct activities that will be deemed Ambush Marketing must expressly gain written approval from NTMEC’s Chief Executive Officer or Delegate prior to the activity.

4 Reporting Ambush Marketing

Any person working within the venue who sees ambush marketing activity must report it to Event Control Room, who will then report the infringement/incident to NTMEC’s Head of Marketing & Event Development for remedy.

The report will include:

- what the activity is;
- what brand is involved;
- where the activity is taking place;
- who appears to be involved; and
- who is in the vicinity (e.g. crowds of people, TV cameras) (where applicable)

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5 Authorisation

The decision as to what action will be taken (if any) in relation to any suspected ambush marketing activities will be made by the Chief Executive Officer or his delegate in their absolute discretion. The incident should on all occasions be logged at the Event Control Room.

6 Legal Action

1.1 NTMEC's primary approach to rights protection focuses on guidance and direct personal contact to end an infringement. However, NTMEC reserves the right in serious cases to initiate legal proceedings to protect NTMEC and Event Partners from Ambush Marketing attempts. NTMEC reserved its rights to formal legal action following a detailed analysis of the scale, intention and commercial impact of the infringement.

1.2 NTMEC's intellectual property primarily consists of trademarks and designs (both registered and unregistered) and copyright. NTMEC reserves its rights to take action against any unauthorised reproduction of the NTMEC Marks including Event Marks in a commercial context.

1.3 Event Partners:

- a) acknowledge that NTMEC retains the sole right, but not the obligation, to take action in respect of any unauthorised use, infringement or imitation of, or challenge to, NTMEC Marks including Event Marks;
- b) will, at NTMEC's request and reasonable cost, provide all necessary co-operation, documentation and access to relevant personnel to assist NTMEC in its action;
- c) must not bring or cause to be brought any criminal prosecution, civil lawsuit or administrative action in respect of NTMEC Marks, including Event Marks, without NTMEC's prior written consent; and
- d) must co-operate with and, if NTMEC considers it appropriate, be named by NTMEC as a co-plaintiff in any action against an infringer of NTMEC Marks. Any settlement, penalties, damages or other benefit or recovery arising from or in connection with such action will be the sole property of NTMEC.

1.4 An Event Partner may take whatever action it considers necessary to protect its Event Partner trademarks, provided it first notifies NTMEC if it relates to an Event or the rights granted to it in connection with a Venue.

7 Terms and Conditions

Unless stated otherwise, the following terms and conditions apply:

Nil

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8 Authorised Representatives

- **Tim Watsford, Chief Executive Officer**
Phone 8999 6180 (Office) or 0438 673 725 (Mobile)
Email: tim.watsford@nt.gov.au
- **Sally Jarvis, Head of Major Events**
Phone: 8999 5374 (Office) or 0466 629 764 (Mobile)
Email: sally.jarvis@nt.gov.au
- **Victoria Scott, Head of Marketing & Event Development**
Phone: 8999 6630 (Office) or 0412 669 801 (Mobile)
Email: victoria.scott@nt.gov.au

9 Breaches of this Policy

A breach of this Policy may lead to disciplinary action be taken including but not limited to, issue of warnings, termination of a contract or non-renewal of a contract (relevant to a contractor or their employers), prosecution where a breach of law) or commencement of legal proceedings for breach of contract (relevant to contractors or their employers).

10 Variations

NTMEC reserves the right to vary or replace this Policy from time to time or terminate this Policy.