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**AMBUSH MARKETING IS DEAD;
LONG LIVE AMBUSH MARKETING –
A RE-DEFINITION AND TYPOLOGY
OF AN INCREASINGLY PREVALENT PHENOMENON**

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ABSTRACT

Ambush marketing is more than thirty years old, and its prevalence continues to grow. Recent cases indicate that brands perpetrating ambushes are becoming more creative, but the literature has failed to keep pace, offering scant analysis of the different forms that ambushing can take and the implications it can have, and little investigation or consideration from the ambusher's perspective. This study proposes a new definition of ambushing and typology of [the three types of](#) ambush marketing strategy: incursion, obtrusion and association. Each type is defined and explored, and the significance and implications for sponsors, event owners and ambushers are examined, providing new insight into the nature and impact of ambushing for industry stakeholders.

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MANAGEMENT SLANT

- Ambush marketing is evolutionary and dynamic; it encompasses a diverse array of tactics, strategy, and marketing media.
- Existing definitions of ambushing are inadequate in reflecting the complexity of ambush marketing types.
- Different forms of ambushing present specific and unique management implications for commercial rights holders, official event sponsors, and ambush marketers alike.

- Rights-holder based counter-ambush marketing efforts are limited in scope to protect against different forms of ambushing, and against different motives of ambushing brands.
- Improved sponsorship relations and activation are increasingly important in responding to the potential threats posed for sponsors.

INTRODUCTION

At the 2012 Union of European Football Associations (U.E.F.A) Championships in Poland and Ukraine, Danish player Nicklas Bendtner celebrated scoring a goal against Portugal by lifting his shirt to reveal green undershorts adorned with the name of Paddy Power, an online gambling brand. Bendtner claimed that these were his lucky pants and denied that the stunt was staged at Paddy Power's request. But the Irish bookmakers had no legal right of association with the U.E.F.A. and Bendtner was fined \$125,000 for his actions, punishment eclipsing those levied against soccer federations for fan violence, racism, and supporter misconduct (Roach, 2012).

Bendtner's undershorts were merely one of hundreds of recent ambush marketing campaigns attempted in line with major sporting events internationally. Although ambush marketing dates back more than three decades, the practice appears to be growing in prevalence and sophistication, heightened by the growing marketing value and presence of events such as the Super Bowl or the Olympic Games. Recent examples suggest that ambushing brands are becoming increasingly creative and bold. The literature, however, has failed to keep pace: there has been scant analysis of the different types of ambushing, nor of their implications. Little has been written about ambushing from the ambusher's perspective.

This research aims to address these limitations and offers renewed perspective into the nature of ambush marketing. The study proposes a new definition of ambush marketing and a typology of the different forms ambushing can take. It also presents a discussion of the managerial implications inherent for event hosts, official sponsors, and ambush marketers, in light of ambush marketing's continued development and strategic complexity.

AMBUSH MARKETING: A THEORETICAL FRAMEWORK

In 1984, concerns about perceived over-commercialization of the Olympic Games and pressure from international partners to strengthen ties with the Olympic brand prompted the Los Angeles

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Olympic Games organizers and the International Olympic Committee (I.O.C.) to restructure the provision and sale of Olympic sponsorship rights, ultimately resulting in the introduction of the I.O.C.'s [The Olympic Partner \(TOP\) Programme](#). The changes enacted revolutionized the sale and distribution of sport sponsorship assets, limiting the number of official sponsors of I.O.C. events and increasing the financial value of I.O.C. sponsorships packages (Sandler and Shani, 1989; Payne, 2005; Maidment, 2008).

Commented [LF3]: Is this an acronym? For what?

Commented [NB4R3]: I've added the full (current) name, and changed model to programme, as it is officially called. At its inception, TOP was an acronym for The Olympic Programme, but has since been renamed to the current The Olympic Partner Programme (mme suffix is part of the official name, as well, rather than a British or Canadian spelling, per se)

Sporting events across the world have replicated the I.O.C.'s sponsorship model, including the Fédération Internationale de Football Association (F.I.F.A.), the Union of European Football Associations (U.E.F.A.), and the Association of Tennis Professionals (A.T.P.). Importantly, the I.O.C.'s model differs somewhat from those utilized elsewhere: when a country bids for the right to host a Summer or Winter Games, there is an implied obligation to enact legislation aimed at protecting official I.O.C. partners from both ambush marketing and trademark infringements (McKelvey and Longley, 2015; James and Osborn, 2016). Such legislation has become increasingly rigorous, both in its technical detail and in its enforcement (Scassa, 2011). The sale and acquisition of Olympic marketing rights has thus become strongly protected territory, off-limits to brands and corporations that either cannot pay or do not want to pay for rights of association.

The competitive space around major sporting events, however, is nevertheless still fertile territory within which ambushing can flourish. Not all sporting events are protected by specific legislation; in its absence, event organisers have become largely reliant upon internal policing measures in order to mitigate the threat of ambushing. While some critics take the view that ambushing is immoral (Payne, 1998, 2005), this has not been a deterrent to the growing number of ambushers, their ambushing strategies, and the marketing consultancy industry that has grown-up around it.

Defining Ambush Marketing

Despite the development of counter-ambush measures, efforts to protect against and prohibit ambush marketing have been restricted by incomplete understandings of the practise on a conceptual and practical level (Chadwick and Burton, 2011). Sandler and Shani (1989) first defined ambush marketing as: "A planned effort (campaign) by an organization to associate itself indirectly with an event in order to gain at least some of the recognition and benefits that are associated with being an official sponsor" (p. 11). Meenaghan (1994) countered this view,

describing ambush activities as: “[A] practice whereby [a] company, often a competitor, intrudes upon public attention surrounding [an] event, thereby deflecting attention toward themselves and away from [an official] sponsor” (p. 79).

Farrelly, Quester and Greyser (2005) adopted a rather more moral tone, indicating that: “In all cases, ambushers have aimed to enhance their own brand equity, at the expense of official sponsors, by illegitimately associating their name with the positive brand equity of the target sport or event” (p. 340). Therein lays a significant weakness of the current ambushing literature: much of what has been written casts ambushing as something confrontational to which negative intent must be attributed. As such, the way in which ambush is often conceived of and defined has largely been in aggressive terms. More recently, Chadwick and Burton (2011) defined ambushing as the “marketing activities of a brand seeking to capitalize on the attention, awareness, customer equity, and goodwill generated by having an association with an event or property, beyond the official or authorised rights of association delivered by that event or property” (p. 714).

Such definitions demonstrate some progression in our understanding of ambushing during its history. The common core elements of each indicate that it is a planned activity, entails the appropriation of brand equity, and involves an association with a property that is unauthorised. Perceived intent of the ambusher in establishing a connection with an event or in capitalizing on the heightened commercial value of the event-marketing space has further been identified throughout the extant literature as an important consideration (Quester, 1997; Mazodier, Quester and Chandon, 2012; Kelly, Cornwell, Coote and McAlister, 2012). Given the strong ethical concerns among sponsors and rights holders, this emphasis on intent is necessary to differentiate between predatory attacks by sponsors’ market rivals, legitimate sponsorship activation by associated property partners, such as participating athletes, teams, nations, and opportunistic ambush marketers seeking to leverage against the marketing value of major sports properties.

The inclusion of perceived intent, however, exemplifies the limitations of existing definitions of ambushing: it is clear that ambushing is more complex and elaborate than the general portrayal in the existing literature, and manifests in myriad tactical and strategic forms. Until now, ambushing has been predominantly event-driven, hence corporations have looked ahead to events such as the Olympics or the F.I.F.A. World Cup in planning their activities to capitalize on the visibility such

events can bring. Other brands have employed ambushing as a strategic positioning statement, utilizing ambushing as a means either of positioning a brand as being non-conformist in nature--most notably in the case of Nike--or else of imbuing a brand with particular qualities such as humor as with the aforementioned Paddy Power.

But the evolution and proliferation of ambushing means that it is also being employed on a short-term, opportunistic basis. In the same way as planned campaigns, some ambushes are deliberately aggressive acts that specifically target competitive rivals. Other instances may be far less provocative, as brands seek either to generate visibility or to secure some benefits of association.

Ambush marketing practices thus encompass a wide array of tactics, strategies, marketing media, and commercial objectives, ranging from early broadcast and subcategory sponsorship agreements (Meenaghan, 1996), to more subversive, associative advertising campaigns based upon event themes, imagery, terminology, or host city and country identifiers (Chase and Kurnit, 2010; Hartland and Williams-Burnett, 2012). Importantly, ambush marketers have seemingly responded proactively to the development and enforcement of commercial rights management and counter-ambush initiatives, and have identified more creative and unregulated means of aligning with major events and sports properties (Cornwell, 2008; Burton and Chadwick, 2009; Chadwick and Burton, 2011). Existing definitions are therefore inadequate to account for the diversity of ambush marketing media and strategies prevalent today. The authors propose that a typology of ambushing is required in order to better understand the specific nature of ambushing activity now taking place. This study proposes a new, more representative definition of ambushing and presents an accompanying typology of ambushing practise.

In thus building upon ambush marketing's limited theoretical base, the authors also account for another limitation of ambush marketing literature – the predominant focus on official sponsors and bias towards commercial rights holders, at the expense of considering the managerial challenges posed by ambushers for event owners and, indeed, faced by the ambushers themselves. Event owners and official sponsors seem increasingly aware of the need for better rights protection methods, improved customer engagement, and creative approaches to marketing, which either separately or together help to mitigate some of the threats posed by ambushers.

This managerial focus is important to the further development of ambush marketing research. To date, the implications of ambushing have predominantly been conceptualized within the context of the legal and ethical considerations, and the threat of consumer confusion. The perceived detrimental effects of ambush marketing communications for official sponsors' returns – and the presence of competing marketing messaging surrounding sporting events – represents a long-standing concern in ambush marketing and sponsorship literature (Sandler and Shani, 1989; McDaniel and Kinney, 1996, 1998; Meenaghan, 1998; Humphreys, Cornwell, McAlister, Kelly, Quinn and Murray, 2010; Cornwell, Humphreys, Quinn and McAlister, 2012). Unfortunately, this research has proven largely inconclusive (Meenaghan, 1998), and consumer interest in sponsorship relations and competition has been questioned (Lyberger and McCarthy, 2001a, 2001b).

By examining ambush marketing from an organizational and managerial perspective, this research offers new insight into the effects of ambushing on sponsorship management and relations. The authors explore the implications of ambush marketing's development for official sponsors, event owners, and ambushers, and offer greater perspective into the practical and professional effects of ambushing.

RESEARCH METHOD

In conducting this research, a three-stage methodology was employed. The first stage entailed the compilation and analysis of a database of ambushing cases. The database was created using reported instances of ambush marketing at sporting events between 2006 and 2014, and the subsequent counter-ambush responses employed by sponsors and/or event owners. The research team consisted of eight people, each engaged in monitoring the selected media outlets on a daily basis. Members of the research team, who were of multinational origin, were responsible for monitoring and gathering case material, and for inserting it into the database. During major sports events, such as the F.I.F.A. World Cup, the research team met on a daily basis. Reflecting the linguistic competences of the research team, cases were drawn predominantly from English and French language sources although cases reported in German and Polish were gathered and analyzed also.

Cases were gathered systematically from a range of sources including print-based and web-based news sources, legal documents, observed television advertising media, and visual materials such as direct mail-outs collected by the researchers. Among the sources drawn on were Marketing Week, Advertising Age, Sport Business, Sports Pro and Sport Business Journal (all trade publications); and Inside World Sport, Around the Rings and Sportcal (online sports information portals). Each of these outlets is a highly respected source of sport industry, marketing and sponsorship intelligence. Several e-mail alerts were also set-up in Google News using relevant key words such as: ambushing, ambush marketing and guerrilla marketing.

In identifying and recording cases, the research team used a pro forma document into which details including the event, the official sponsor, the ambusher, and any observed outcomes were noted. The database's creation followed both textual and audio-visual content analysis procedures, accounting for the myriad media and communications methods employed by event marketers and ambushers around major events (Neuman, 2000; Figueroa, 2008). Following Figueroa's (2008) example, audio-visual media were analysed through impressionistic notes and narrative creation, affording the research team a means of cataloging key incidents and ambush characteristics within a grounded framework.

Initially, each case was examined and organized by date and event; thereafter, the names of relevant official event sponsors were recorded, as were the names of the ambushers and the industries in which they resided. Subsequently, actions taken by the ambushing organization and those taken by event organizers to protect against or mitigate the impact of each ambush were identified. In total, this textual analysis resulted in a database of 850 detailed cases being examined.

Following this initial stage of the research, several key observations were made:

- There has been a progressive growth in the number of ambush marketing cases evident at sporting events across the period covered by the database. The 1984 Los Angeles Olympic Games, for instance, inspired seven major cases of ambush marketing; the 2014 Sochi Winter Olympic Games, by contrast, saw 42 incidents of major international ambushing,

including campaigns by the likes of American Apparel, Budweiser, The North Face, and Zippo.

- There has been a rise in the reporting of ambush marketing cases by both the mass media and specialist trade publications, allied to an upsurge in attention paid to ambushing within the legal community. The earliest examples of ambush marketing, for example, received limited press attention, often no more than two or three reputable sources; more recent examples, such as ambush campaigns around the 2012 London Summer Olympic Games or 2014 F.I.F.A. World Cup, received wide-reaching coverage across dozens of international publications and over more than 40 countries.
- Ambushing appears to be brand-led rather than corporation-led, evidencing an emphasis on brand-messaging and fit with the ambushed property. Red Bull, for example, marketed heavily around the 2010 Vancouver Winter Olympic Games, placing great emphasis on the company's entrepreneurial and adventurous values and ethos, and strong ties to action sports (Ukman, 2012).
- The overall profile of the most frequent ambushing brands displayed two key characteristics: firstly, brands that were direct rivals of official event sponsors--36.7 percent of cases analyzed, 312/850; and secondly, brands that had some congruent connection with the event, such as gambling, alcohol, and sportswear brands--59.18 percent, 503/850).
- Among the most prominent and widely reported cases of ambushing, the innovativeness, humor, and/or use of celebrity endorsers was notable. Nike, for example, has often created unique, inventive, and expansive campaigns featuring its stable of athlete and celebrity endorsers, and made prominent use of innovative imagery and terminology. Nike's "Courage" ambush of the 2008 Beijing Olympic Games, for instance, featured myriad athletes and celebrities, while its marketing around the Games highlighted the number "8," a symbol of luck in Chinese culture (Du Toit, 2010).
- Ambushing frequently appeared to be opportunistic and short-term in nature, variously consisting of attempts to distract the attention of consumers or to seek some form of benefit through association with an event. Across the cases analyzed, 48.94 percent, or 416 out of 850 ambush campaigns, took the form of more tactical, opportunistic efforts, rather than being part of a broader, more strategic master creative campaign.
- Notably, in ambush marketing's formative stages, ambushing was observed as being an aggressive, confrontational and predatory act, often involving direct corporate rivals or

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brands. This included initial rivalries between Kodak and Fuji and Visa and American Express (Meenaghan, 1996), as well as less prominent instances, such as Subaru and Ford's ambush of Chrysler's United States Olympic sponsorship for the 1992 Albertville Winter Games (Fielding & Black, 1992).

- Strategically, some brands have utilized ambushing as a means of establishing or accentuating market positioning. Lululemon, the yoga brand, reaffirmed the company's Canadian roots and attempted to drive market share in the North American market by ambushing the 2010 Vancouver Winter Olympic Games (Canadian Press, 2009).
- Among the most common approaches observed for managing the threat of ambushing has been the deployment of rights protection staff who police entry points at venues.
- In some cases, most notably at the Olympic Games, ambushing and its effects were addressed and mitigated through legislative or security measures.
- In most cases, however, official sponsors appeared not to have taken public steps to mitigate against the effects of ambushing.

Following the database's creation, each case was independently examined and manually coded by two researchers using open, axial and selective coding techniques (Strauss and Corbin, 1998), in order to analyze the cases and reconcile inter-rater reliability. First, a briefing document was produced providing insights into existing conceptualizations of ambushing based on the extant ambush literature. These existing perspectives of ambushing informed the open coding procedure, wherein notable ambush constructs such as the use of associative imagery or protected marks, the proximity of marketing communications to events, and the timing of creative campaigns were used to identify the main characteristics of ambushing evident in the cases being observed. This open coding procedure employed constant comparison between cases throughout the analysis, in order to identify key variables and characteristics within the database collectively, and ambush cases individually (Creswell, 2003). Then, following the approach of Crabtree and Miller (1992), two cases were examined and the codes inserted within them by each of the researchers were compared. To ensure standardization, minor differences in codes between the two cases were reconciled through the formulation of a new single code.

Axial coding then was used to highlight the nature of relationships between the types of ambushes being perpetrated and the motives underpinning the actions of perpetrators using these codes; the

database was re-analyzed with a view to refining the constructs observed – integral to creating the defined concepts upon which the typology was based. Finally, selective coding was employed as a means of confirming the presence, nature, and characteristics of the core concepts that emerged during open and axial coding, and of conceptualizing the nature of ambushing and its features.

Upon completion of the coding process, the research team met to compare findings. At this stage, Cohen's Kappa was employed as a means of quantifying the agreement between the researchers involved (Berry and Mielke, 1988). Cohen's Kappa determines the observed proportion of agreement and is calculated thus: $K = \frac{P_o - P_c}{1 - P_c}$, where P_o = perfect agreement between coders and P_c = expected agreement that results from chance. For this study, the Kappa score was 0.732 (73.2%), indicating there was substantial agreement between coders (Landis and Koch, 1977).

Thereafter, drawing from Brodie, Saren and Pels' (2011) dual circles approach to typology formation, the study switched between the context of discovery and the context of justification to formulate the typology. This firstly entailed each of the researchers independently and manually examining each case, using both the established literature on ambushing and the coded data generated from the database of cases. With the researchers having followed Brodie et al.'s (2011) method, moving between new and existing insights, each of them identified a series of types. The researchers then compared and contrasted these types, which through a further stage of joint iteration, resulted in three types of ambushing being identified.

In re-coding the data in line with these characteristics and key concepts, each case was classified and categorized based on the nature, objective, apparent strategy, and explicitness of association created or intended by the ambushers. This analysis revealed three final types which describe and encompass the varied strategies, tactics, and media employed by ambushing brands: incursive ambushing, obtrusive ambushing, and associative ambushing. While no direct chronological relationship was discerned across the three types of ambush observed, an evolution was apparent from more direct, explicit, targeted ambush marketing, towards a more associative, indirect, opportunistic form of ambushing. In total, among the 850 cases analyzed, a relatively even distribution appeared, with incursive ambushing accounting for 247 of the cases examined (29.05 percent), obtrusive 307 (36.12 percent), and associative 296 (34.82 percent).

To confirm the validity and generalizability of the ambushing types identified, a second phase of data collection was undertaken subsequently. A total of 12 face-to-face personal interviews were undertaken with key industry informants, typically lasting between 90 and 120 minutes. Among them were professionals engaged at a senior level in directing and managing official sponsorship programs associated with sporting events, brand managers within sponsoring organisations, event managers, and lawyers with representation experience in ambushing cases (see Appendix A). Due to the contentious nature of ambush marketing, and the relatively limited reach of ambushing across the marketing and sponsorship industry, convenience sampling was employed in identifying interview respondents. Experts were engaged based upon their experience and expertise (John and Reve, 1982), as well as professional familiarity with the creation, execution, or prevention of ambush campaigns.

Interview participants were asked to detail their experiences in sponsorship and with ambush marketing; to comment specifically on the types of ambushing that had been generated by this study; and to identify the implications of ambushing types for key stakeholders. Interviews were recorded and transcribed, and then independently interpreted by two researchers. Prior to the analysis of interview data, and drawing from Chadwick and Burton (2011), a briefing document was prepared to guide the two researchers in identifying types of ambushing evident in the transcripts. In particular, the document highlighted the multiple forms of ambushing which this earlier paper had identified, instructing the researchers to rationalise these into a smaller number of more focused types.

Thereafter, for the purposes of consistency, the same coding procedure employed during the database analysis noted above was used to examine the interviews' contents. The Kappa figure pertaining to the research interview data was 0.814 (81.4 percent agreement).

RESULTS

The observed cases displayed a range of different characteristics and features, reaffirming ambushing's place as an established feature of the event marketing landscape. Among the most pertinent observations that the researchers made during the interviews were that:

- Ambushing is not a uniform phenomenon and is increasingly characterized by a diversity of strategies, media, and motives.
- Ambushing impacts upon a number of stakeholders other than consumers, including event owners, official sponsors and ambushers.
- Ambushing poses a number of challenges for stakeholders other than consumers, including in matters pertaining to the formulation and execution of marketing strategy and tactics.
- There appears to be a growing acceptance that event owners need to work in collaboration with sponsors in order to address the threats posed by ambushers, but the consensus thus far has been that it is a problem principally faced by sponsors, rather than event owners.
- Official sponsors now see ambushing as an established part of the marketing landscape and are consequently alert to the possibility of a rival organization seeking to undermine, detract from, or associate with their properties.
- Ambushers have become a diverse group of brands engaging in several types of ambushing, ranging from aggressive, confrontational acts to more associative forms of activity. Throughout, there appears to be a strong emphasis on creating innovative ambushes in order both to avoid protection measures employed by event owners and sponsors and to affect the cognition of consumers. A prevailing dimension of innovation has been the use of humor to engage consumers while mitigating the potentially negative impacts for brands that perpetrate ambushes.

The cases analyzed exemplify the different motives and methods behind contemporary ambush practices. At one level, ambushing appears to be a planned activity, underpinned either by strategic intent or by tactical decision-making. One interview respondent noted that, “some ambushers have deliberately become more aggressive, setting-out to preemptively attack, or at least seriously undermine, one of their competitive rivals.” Likewise, argued a participant: “there has been an upsurge in brands taking advantage of circumstance, tactically formulating ambushes with the specific intent of grabbing attention at the expense of an official sponsor.”

By contrast, in several cases ambushing has become the basis for establishing or reinforcing brand positioning. Paddy Power has utilized ambushing to assert its identity as clever and maverick, differentiating the brand from competitors. The types of ambushes perpetrated by the brand have

also imbued it with a sense of humor. Paddy Power has become notorious for the provocative and invasive nature of its ambushes, with observed ambushes by the company noted at events including the 2012 Olympic Games in London (McCabe, 2012) and golf's 2012 Ryder Cup in the United States (Reynolds, 2012). One respondent noted the brazen ingenuity of Paddy Power in circumventing event regulations, stating: "Within the perimeter of where the activity is taking place is a controlled zone managed by the rights holder. But outside the immediate environment of the event, there's little the property or authorities can do to stop it – these brands are finding and creating opportunities events can't control."

At another level, ambushing is more tactical and, in some cases, entirely opportunistic. At many of sport's mega events, brands engage in preemptive ambushing activity knowing that a major rival has acquired the official sponsorship rights. By doing so, a rival seeks to distract consumer attention away from the official rights holder and towards its brand. Said one interviewee: "It's people being clever, in terms of skirting around the intellectual property rights of a particular organization or event to create an impression that the organization is actually involved with that event or organization and create an association between the brand and the event alongside their direct competitors." Among the observed cases are some classic and notable ambushing battles involving brands such as Visa and American Express, Coca Cola and Pepsi, and Adidas and Nike. Such confrontations, however, were observed to not always to have been strategic or planned. Indeed, in some cases the ambush that took place appeared to have been incidental, whereby the competitive relationship between the ambusher and the sponsor was tangential to the ambush attempt. Bavaria Beer's ambushing of Budweiser at the 2006 soccer World Cup is a prime example (Harding and Culf, 2006), which generated global attention irrespective of any underpinning parasitic or aggressive intent.

Several of the interviewees specifically referred to the Bavaria beer case in 2006, highlighting how innocuously the ambush had started. "What started out as a sales promotion, an allusion to the World Cup, became a full blown ambush when the rights protection officers dealt with the groups of football supporters in a heavy-handed way." A second interviewee noted how Bavaria had used imagery in its marketing communications that suggested a link to the World Cup, without actually ambushing it. However, the "use of promotional items by fans led to an ambush, which Bavaria then capitalized upon to instead perpetrate a deliberate ambush at the 2010 World Cup."

In other cases, there were numerous instances where ambushes were not intended to confront, undermine or detract from official sponsorship programs. Instead, some brands sought to engage in activities intended to secure the benefits of associating with a sponsorship property without having to pay for the official right to do so. In essence, this involves a brand standing alongside an event or official sponsor in order that its image transfers onto the brand. “There is a gentler side to ambushing”, noted one interviewee, adding that “the crash and thunder of some heavyweight ambushes has caught the media’s attention, but many promotional activities are much lower key and more subtle.” A second interviewee explained that “brands don’t necessarily want to be drawn into a direct confrontation with either an event or its sponsors. Often they just want to stand alongside the event in the hope that some of the profile or the glitz reflects onto them.”

Such a move avoids direct confrontation with a rival but also, in cases where ambushing legislation exist as with the Olympic Games, crucially avoids falling afoul of laws that outlaw ambushing. While such forms of ambushing may appear less insidious than those employed by more provocative brands, the effects can be no less significant. Marks and Spencer’s “On Your Marks” campaign prior to the London Olympic Games is one example of such a campaign (World Intellectual Property Review, 2012): subtle and not directly confrontational, but leaving no doubt about the brand’s intentions.

DISCUSSION

In light of these findings, and based upon the concepts emergent within this study’s analysis, the authors propose a new definition of ambush marketing, intended to more accurately reflect the complexity and diversity of ambush marketing communications:

‘The incursive, obtrusive or associative activities of a brand intended to yield a range of benefits similar or comparable to those typically achieved by brands that have a formal, contractual sponsorship agreement with an event’

In turn, three types of ambush marketing have emerged, which can be defined thus:

- Incursive ambushing

The aggressive, predatory, or invasive activities of a brand, which has no official and/or legal right of association with an event, deliberately intended to threaten, undermine and/or distract from an event or another brand's official event sponsorship. Pepsi's "Refresh Your World" and "Oh Africa" campaigns created for the 2010 F.I.F.A. World Cup, for example linked the brand overtly to South Africa and international football, directly competing with official sponsor Coca-Cola (Richman, 2010).

- **Obtrusive ambushing**

The prominent or undesirably visible marketing activities of a brand, which has no official and/or legal right of association with an event, that may either deliberately or accidentally undermine and/or distract from an official event sponsorship by another brand. An example is the Polish beer brand Tyskie's "5th Stadium" campaign during soccer's 2012 U.E.F.A. European Championship (Klimaszewski, 2012).

- **Associative ambushing**

The attempt by a brand, which has no official and/or legal right of association with an event, to imply, or create an allusion, that it has a connection with an event. The German airline Lufthansa, for example, leveraged the 2006 F.I.F.A. World Cup Finals in Germany through a promotional campaign titled "LH2006" – a play on the airline's flight codes and the 2006 tournament – featuring a fleet of aircraft with nose cones painted as soccer balls (Carvajal, 2006).

Given the differences in strategic or tactical approach taken by ambushers, and the media or marketing opportunities employed, a number of managerial issues and implications have been identified pertaining to each type. Sponsors and rights holders must be aware of the different challenges faced, and must be better prepared to address individual ambush campaigns and types with more proactive and tailored rights management and brand protection strategies. Likewise, would-be ambush marketers should be cognizant of the different strategies, tactics, and media available to them – and the inherent implications presented by each. These implications are considered below in three groupings: from the perspective of event owners, official sponsors, and ambushers.

Incursive ambushing

For event owners

To some extent, event owners can control event space. Most notably, venues can be sealed; indeed, it has become common at many major sporting events for rights protection teams to police access to them in order to prohibit on-site ambush attempts (McKelvey and Grady, 2008). Not only does this prevent potential instances of ambushing, it also guards against intellectual property infringements and protects those exclusive rights granted to partners inside an arena, such as pouring rights for beverage sponsors or suppliers. Likewise, ticketing regulations afford rights holders control over the event space, and offer a level of protection against ambush campaigns within the confines of the stadium (McKelvey, 2003). Marketing exclusion zones, such as those implemented by major events, equally restrict ambusher access in immediate proximity to events, an important mechanism in protecting against incursive ambushing (McKelvey, 2000; Burton and Chadwick, 2009).

The enactment and enforcement of legislation aimed at preventing ambush marketing and strengthening intellectual property rights protection in some jurisdictions has extended such protective measures (McKelvey and Grady, 2008; Scassa, 2011). Australia has recently, and unilaterally, passed legislation designed to protect its major sporting events, such as the Australian Open Grand Slam tennis tournament. South Africa has similar legislation, with the Trade Practises Act 1976 and Merchandise Marks Act 1941 having been used during the 2010 F.I.F.A. World Cup in that country.

But as ambushes perpetrated by the likes of Beats by Dre (whose viral music video starring prominent athlete endorsers and celebrities, and extensive Brazilian imagery, earned the brand both plaudits and reprimands in the run-up to the 2014 F.I.F.A. World Cup in Brazil), Paddy Power, and Bavaria Beer demonstrate, even with defence mechanisms in place, event owners remain vulnerable to more ambitious and creative incursive ambushers. Where regulatory means are ineffective in mitigating the threat of ambushing, event owners may have to become more innovative and strategic in the way they create either mechanisms for controlling ambushing or the way in which they engage with official sponsors, other commercial partners, and consumers. This echoes Meenaghan's (1996) proactive stance toward counter-ambush activities, and reiterates the need for commercial rights holders to collaborate more effectively with sponsors in identifying potential ambush marketing opportunities and in establishing their relationship in the minds of consumers. This could mean, for instance, establishing more formal strategic partnerships with

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Commented [n7R6]: Simon – happy with this? Alan does this address your concerns?

official sponsors, which places mutually-built, strengthened consumer engagement at the heart of their relationships.

For official sponsors

Official sponsorship creates opportunities for a business to secure a wide range of benefits (Tripodi, 2001). These include brand recall and recognition, as well as image transference and hospitality provision. However, event owners often impose strict branding guidelines regarding how, where, and when the official association can be used.

This prescriptive approach may pose problems for sponsors as procedures for approving activation requests can be cumbersome, bureaucratic, and protracted. Ambushers are not restricted by similar approval processes, which affords them flexibility, allows them to be more readily tactical, and presents them with the opportunity to be more creative. When official sponsors therefore come under attack from predatory ambushers, they often find it difficult to respond: firstly, because they will need to pass their response through the event owner's approval process; and secondly, because this imposed delay will have already allowed the ambusher to capitalize on the opportunity unimpeded.

Event sponsorships often cost large amounts of money and are managed on a long-term, strategic basis as part of multi-platform creative campaigns. Activation plans, typically, are agreed to months ahead of the event, particularly to ensure that relevant approvals have been secured from the event owner. While the benefits of long-term planning are obvious, official sponsors may be susceptible to the actions of predatory ambushers who have more freedom and can therefore be more creative and, potentially, disruptive.

The onus is therefore on official sponsors and events owners together to either incorporate improved measures aimed at preventing ambushing, or else to create approval processes that are leaner and more responsive to threats. These processes could enable the sponsors to respond to difficulties posed by predatory ambushers. The implication also is that, if sponsors know they will have short-term difficulties in responding to ambushers then they should foresee such situations happening and scenario plan around various threats. Sponsors must take a more engaged role in rights protection, better monitor the event-marketing space for potential ambush marketing

opportunities or threats (Chase and Kurnit, 2010), and utilize competitive intelligence in order to preempt incursive threats – either by understanding potential ambush opportunities, or by developing tailored mitigating strategies to counter ambush activities.

For ambushers

Ambush campaigns have become more prevalent, creative, and effective, as ambushers have been able to take advantage of the freedom and space they have in which to engage in their activities. Increasingly daring, innovative, and incisive ambushing programmes have emerged, against which official sponsors and events seemingly have little defence.

At events and in countries where anti-ambushing legislation is in place, circumventing the legal framework governing sponsorship and intellectual property rights is paramount, as is creating a notable and visible campaign. Ambushing brands must differentiate their campaigns not only from those of official sponsors, but also from those of other ambushers. Budget allocation and innovation serve to distinguish ambush efforts, but in the future ambushers may also need to address considerations such as key target audiences, brand positioning, and activation of their ambushes. Consumer perception of ambushing and the possibility of legal prosecution remain important considerations for future research and for brands contemplating engaging in ambush activities.

Obtrusive ambushing

For event owners

In several respects, the challenges posed by obtrusive ambushing for event owners are comparable to those posed by incursive ambushing. The potential for distraction and confusion among customers and fans can be dealt with using measures such as the legal and legislative enforcements mentioned above. Unlike the deliberate, provocative actions of predatory ambushers, obtrusive ambushers' campaigns are likely to be less confrontational, less invasive, and more subtle.

Where legislation or marketing exclusion zones are in place to control ambushing, this is not especially problematic. But some brands may seek to perpetrate an ambush in space directly adjacent to an event, over which event owners have no jurisdiction. Controlling for the

invasiveness of ambushing activity in such cases thus becomes a particular challenge, requiring creativity, active management, and a partnership approach. Within venues, rights protection teams will still be required, while monitoring of the physical and virtual spaces alongside an event can necessitate additional resources.

Global fashion brand Hugo Boss, for example, has used a heavily branded yacht sailing in unrestricted seas off the coast of separate motorsport and golf events as a means of engaging in obtrusive ambushing. In each of the cases, the event owner has either had to erect physical barriers to obscure the boat, or has worked with broadcasters to ensure that the ambusher's brand name is not visible in media coverage of the event. A similar attempt by Paddy Power – erecting promotional signage alongside a golf course – necessitated that the organizers collaborate with local police to ensure removal of the signage.

Rights holders must think about the design and layout of venues such that the opportunities for obtrusive ambushing are minimized. Forging constructive relationships with key stakeholders such that the space around venues can be monitored and controlled in a more effective manner is imperative. Increased ticketing regulation and enforcement is required in order to limit potential ambush opportunities (McKelvey, 2003; McKelvey and Grady, 2008). Giving prominence to official sponsors becomes more important, both in terms of customers attending an event and viewers watching on television or online (Burton and Chadwick, 2009).

For official sponsors

Although obtrusive ambushes are likely to be less provocative and not designed to undermine deliberately an official sponsor, the challenges they pose are no less significant. In conjunction with event owners, official sponsors need to secure, monitor, and endeavour to control the space – both physical and virtual – around an event. While a sponsor clearly cannot prevent the branded boat of another corporation sailing in unrestricted waters, it can ensure the strategic placement of perimeter hoardings, rotational signage, and on-site marketing media in order to maximize its visibility and establish prominence in the minds of consumers. In addition, securing roadside advertising space, broadcast marketing inventory, and website banner opportunities may ensure first-mover advantage over obtrusive ambushers by safeguarding key locations in proximity of an event.

In these terms, the battle between sponsor and ambusher would appear to be more subtle than that in which an incursive ambusher is involved. This extends to the way in which official sponsors engage with customers as well. In seeking to distract, obtrusive ambushers are seeking effectively to affect consumer cognitions of both their brand and that of an official sponsor (Cornwell et al., 2012). But if there is strong customer engagement on the part of an official sponsor, such attempts may appear premature, opportunistic, or little more than a minor intrusion. Sponsors should therefore see event sponsorship as being part of a broader, longer-term customer engagement strategy.

By creating increased activation and engagement opportunities with consumers within the event space, and further educating fans as to the identity and role of official partners, sponsors and rights holders may reduce the potentially deleterious effects of ambushing on consumer memory and further strengthen the cognitive links between sponsor and property (Berger-Walliser, Williams, Walliser and Bender, 2012).

For ambushers

The power of obtrusive ambushing should not be underestimated, as it can still be laden with serious intent and significant impact. For the prospective ambusher, distracting consumers' attention and causing a disruption are the essence of what makes such an ambush work. There are some prominent and well established ways of doing this; for instance, securing prominent television advertising slots during a sporting event, or sponsoring a high profile athlete participating in the event.

At a very practical level, this requires the prospective ambusher to engage in reconnaissance in order to identify opportunities for distracting consumer attention. This will need to be strategic in nature, maximizing opportunities for the ambusher to engage with key target audiences.

Such activity is premised on the notion that the channel of communication is the principle vehicle through which an ambush is executed. Yet the obtrusion may equally be located in the focus and content of the communication. By establishing and building close consumer engagement, either

through references to sport and the event or otherwise, an obtrusive ambusher can build relations that distract the consumers' attention away from the event and its official sponsors.

Consequently, it may be that the obtrusive ambusher has to look towards paths that are more creative as the basis for making noise, such as developing new and innovative ways of establishing their presence within the event marketing environment in order both to avoid legal difficulties and to gain competitive advantage through ambushing. One way to do this is via social media, which is creating new opportunities for consumer engagement. Rather than distracting from an event by buying television advertising space during the actual coverage of it, social media potentially enables an obtrusive ambusher to draw consumers away from the event broadcast altogether.

Associative ambushing

For event owners

An event owner can do little more than monitor and remain vigilant of possible associative ambushing threats. More recent examples of associative ambushing and event owner redress, however, have evidenced distinct and significant implications for the design and enforcement of ambush specific legislations. The terminology used in legal and legislative protection against ambushing has expanded in many countries to include more associative or suggestive imagery and phrasing – including the creation of the right of association, which prohibited the use of associative imagery or terminology in marketing as part of the legislative protections granted to the 2012 London Summer Olympic Games (Scassa, 2011). These broadened parameters have afforded rights holders like the I.O.C. and F.I.F.A. near-monopolistic control of the event marketing space (Louw, 2012; McKelvey and Longley, 2015).

The extension of legal rights and protection means that rights holders must remain diligent in monitoring and responsibly responding to potential infringements. Greater cooperation with local authorities is integral to the successful implementation and enforcement of ambush legislation. In 2012, for example, London Olympic organizers worked with a specially established intelligence bureau within London's Metropolitan Police Force to monitor and address suspected ambushing and intellectual property rights infringements. This level of collaboration appears to be

increasingly important in international sponsorship protection, as evidenced by Australia's recently approved ambush legislation.

Similarly, some event owners have recently responded to the challenges implicated by associative ambushing by creating new sponsorship categories. During the 2012 Olympic Games in London, for example, organizations could buy the right to use specified words and logos in their promotional campaigns for a small fee. This was intended as a means to generate additional revenues for the Games' organizers, but also represented an important strategy for controlling the associations of non-sponsoring brands suggested with the Games.

For official sponsors

Associative ambushing predominantly manifests as subtle and allusive. While the threat may seem peripheral, there is the potential for dissonance among consumers. As such, the key issue facing official sponsors in this case is whether to pursue the ambusher, possibly through legal means, to engage in a competitive response to the ambush, or not to react.

Monitoring such activity while ensuring that customer engagement remains strong is a valuable means of remaining vigilant in anticipation of more serious incursive or obtrusive threats (Chase and Kurnit, 2010). Associative ambushing therefore should be a basis for improving intelligence gathering and control mechanisms for more serious ambushing incidents.

Perhaps most important, however, is the need for sponsors to more effectively leverage their associations and establish ownership of the event marketing landscape. Sponsors must effectively block out potential associative ambush opportunities in order to mitigate any concerns of consumer confusion and to establish ownership of the event marketing landscape. Likewise, effectively accounting for event-affiliated property sponsorships and sponsorship-linked advertising is fundamental (Kelly et al., 2012). Sponsors must be more responsive to new media and the development of more dynamic and engaging activation opportunities, and should seek to identify potential ambush threats and proactively and preemptively assert their rights and presence at and around their partner properties. This in turn necessitates greater cooperation on the part of event owners in facilitating and communicating activation efforts for sponsors, and represents an important future direction in sponsorship relations and communications.

For ambushers

If carefully designed and managed, associative ambushing can deliver a broad range of benefits to the ambusher. The nature of associative ambushing, however, requires a level of creative subtlety that may be difficult to achieve, particularly in jurisdictions where the right of association has been included in anti-ambush legislation. This has implications for the agencies with which an ambusher works, which will need to see ways to innovatively and carefully realize the benefits associative ambushing can bring.

Subtlety brings dangers in itself. Overly understated campaigns risk being so indirect that consumers either fail to see or interpret the ambush. Ambush marketers must take measures to ensure that consumers' cognition is significantly affected. Thus, associative ambushers must set their activities within a broader marketing communications context or engage in additional activation in order to more effectively integrate their brand within the event marketing sphere.

The ambusher needs to remain acutely aware of the extent to which it might infringe upon legislation and intellectual property rights in associating with a property. Beyond intellectual property rights and the legislation enacted in Olympic host-countries, legal protection also exists in most countries in the form of passing-off or misappropriation statutes (Retsky, 1996; Scassa, 2011). Such protections are designed to prevent individuals or organizations from misrepresenting an association with a property, or intentionally confusing consumers – potentially significant for more suggestive or explicit ambush attempts. While the legal precedence regarding ambush marketing and passing-off is limited – and those cases argued in court have predominantly found in favor of the ambusher (Hoek and Gendall, 2002; Coulson, 2004) – the legal framework nevertheless represents an important consideration.

CONCLUSIONS

Although the emergence of ambushing is a relatively recent phenomenon, being little more than 30 years old, it is now an established feature of both the landscapes of sporting mega events and the marketing communications activities of those sponsors associated with them. So embedded in the event marketing landscape has ambushing become that a growth in legislative means as a way of protecting against it has become a fundamental component of many countries' and events'

sponsorship protection measures, while ambush marketing has evolved into a mainstream marketing communications activity practiced by many of the world's largest brands.

Rather than the somewhat aggressive and targeted nature of the ambushes perpetrated in ambushing's early years, however, there now is a growing sophistication in ambushing as organizations and brands learn what it is, what it can achieve, and how it should be organized. Entering the age of second generation ambushing, the proliferation and growth of different types of practice in ambush marketing is apparent.

Ultimately, this study represents an important contribution to the way to conceive of ambush marketing. The paucity of studies examining the managerial implications of ambushing is presumably a reflection of the phenomenon's rapid rise; this study thus has sought to better understand how sponsorship stakeholders and ambush marketers can best manage the challenges and opportunities. This work is therefore an important resource in aiding organizations and brands across the ambushing arena more effectively manage their marketing activities and brand protection initiatives in relation to this burgeoning field. Given the varied and complex nature of ambushing, better understanding of the challenges posed and how best to manage and respond to the threats and opportunities presented is of paramount importance to the future of sponsorship and ambush marketing research and practice.

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APPENDICES

APPENDIX A

Interview Participants

Interviewee	Role in sponsorship industry
R1	Lawyer, International Sports Law Firm
R2	Director, International Sports Marketing Consultancy
R3	Intellectual Property Rights Lawyer, Major International Sports Federation
R4	Owner, Marketing Research and Publishing Company
R5	Business Director, Marketing Consultancy
R6	Corporate Lawyer, Major International Sports Sponsor
R7	VP Strategy, Marketing Consultancy
R8	Chief Executive, Sponsorship Consultancy
R9	Director, International Sport Marketing Research Institute
R10	Marketing Communications Consultant
R11	Market Researcher, Sport Sponsorship and Marketing
R12	Director, Sport Marketing and Business Research Consultancy