

Ambush Marketing- The Indian Chapter

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Available Remedies

- No codified law on the subject.
- A party aggrieved may rely on the following legislations:

The Trade Marks Act, 1999

•Infringement



•Passing off



Contd. . .

The Copyright Act, 1957

- Infringement



Contd. . .



Contd. . .

The Emblems and Names
(Prevention of improper
use) Act, 1950

Bar on
use/registration of IP
containing protected
emblems and names



The Information
Technology (Intermediary
Guidelines) 2011

Scope of 'Safe Harbor
Protection' curtailed.
Intermediaries to
remove any unlawful
content within 36
hours of receiving
information



Trade Organizations



Contd. . .

SONY
make.believe

BRAVIA

The incredible game
in Sony high definition

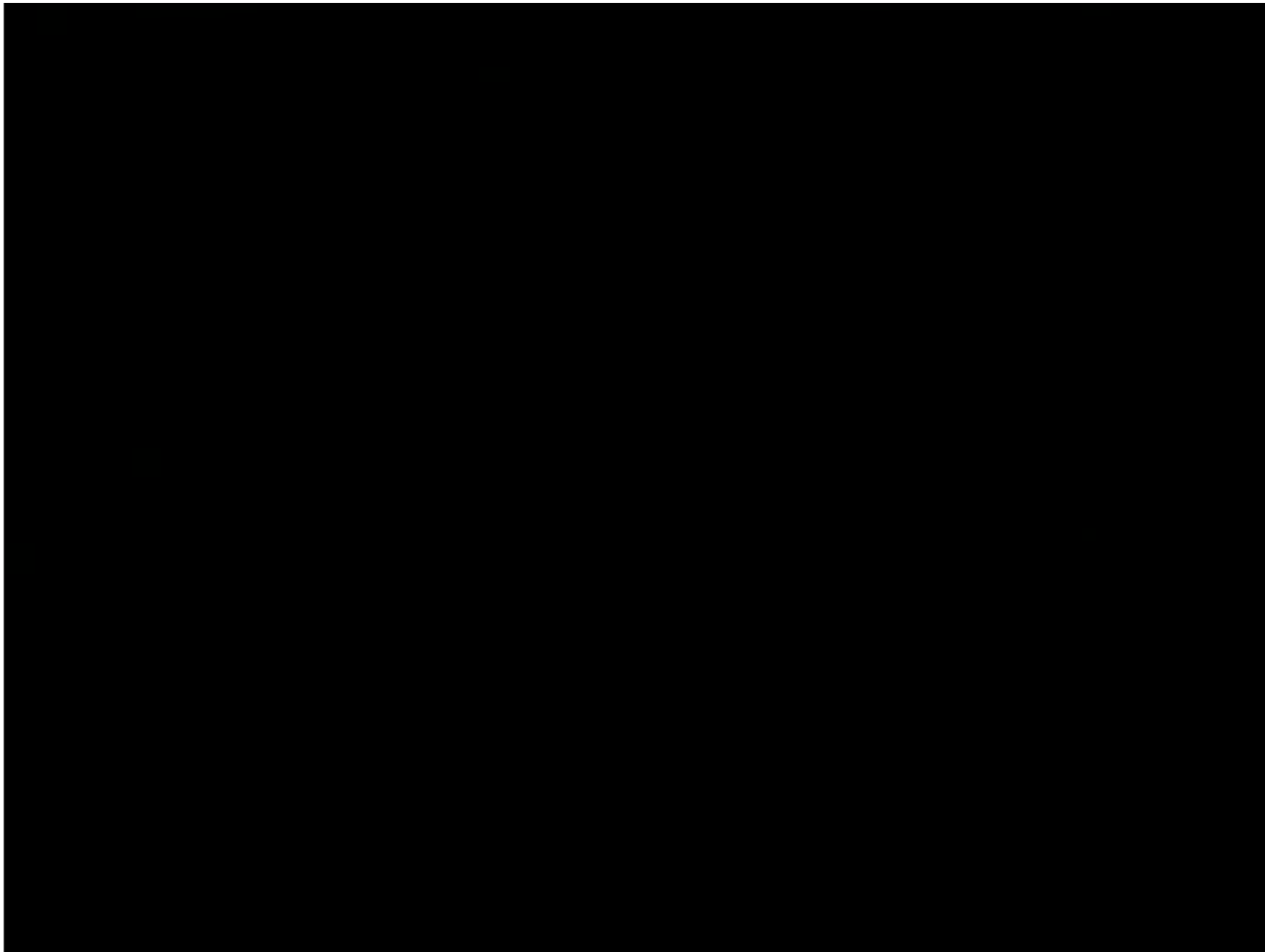
Full HD
1080

Hal

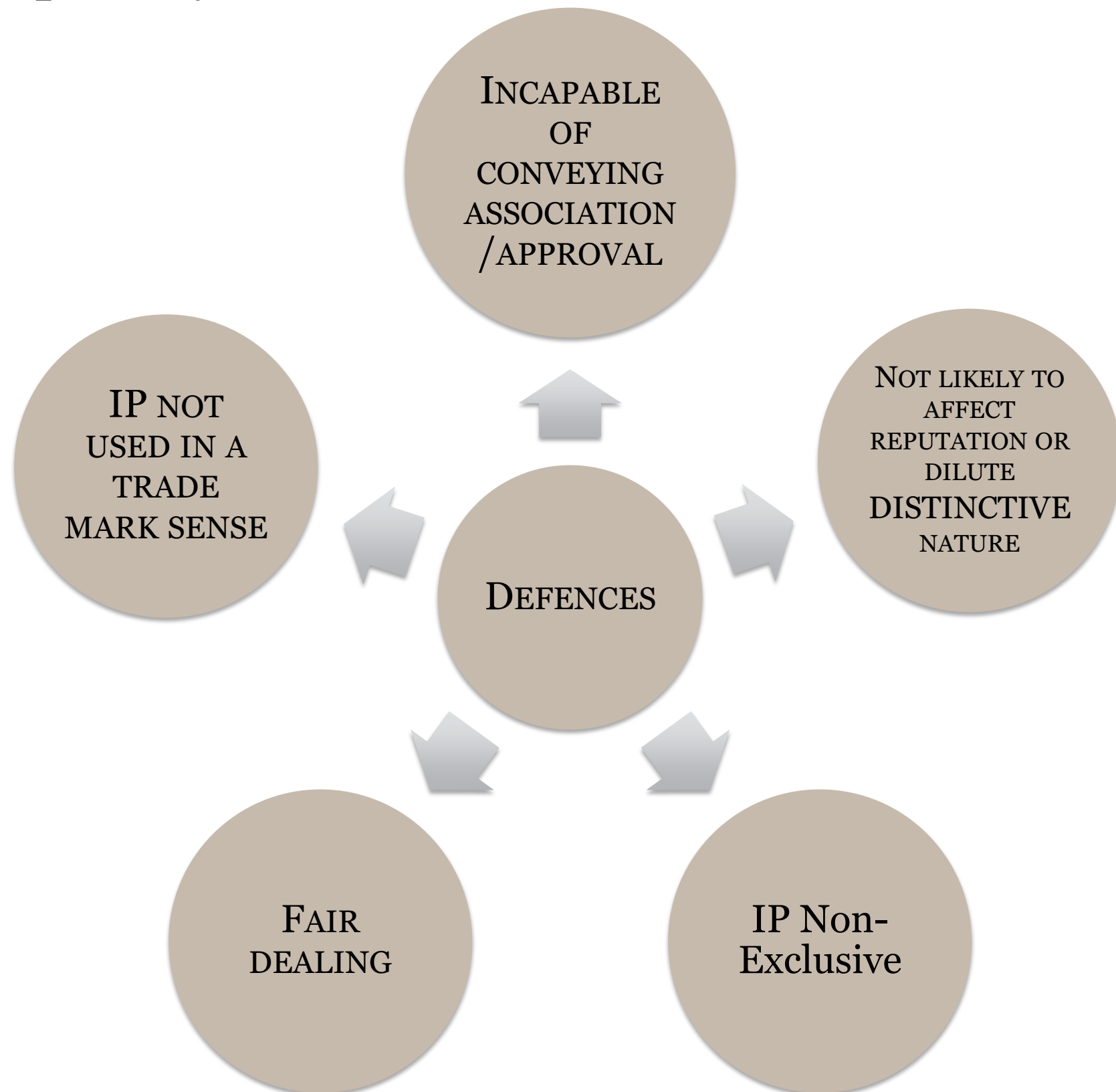
Case Studies



Contd. . .



Defences adopted by Ambush Marketeers



Judicially Speaking . . .

NEW DELHI TELEVISION LTD.

v/s

ICC DEVELOPMENT (INTERNATIONAL) LTD.

FAO (OS) 460/2012 before the High Court of Delhi

- The Division Bench of the Court whilst upholding the single judge's decision of restraining the use of Plaintiff's footage by the defendants to give an unfair advantage to non-sponsoring advertisers, at the cost of official advertisers of the plaintiff, observed the following:

“The propoganda machine [the organizers of the T20 Cricket Tournament] spends millions of dollars but raises investments from third parties . . .The collective money pooled in is used to organize sports event. No philanthropy is done. It is a business/commercial venture which seeks money in return.

. . .Nobody can take flesh by making the venture bleed. ”

Contd. . .

- Special Programmes



Contd. . .

- Ticker Ads – Illustration [Not an actual ad]



Contd. . .

- Third Party Ads – Illustration [Not an actual ad]





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