

Ambush Marketing: Creativity vs. Controversy

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Ambush marketing, a tactic non-sponsors use to associate with major sporting events, raises ethical, legal, and strategic questions. This paper explores the phenomenon from historical, theoretical, and practical perspectives, highlighting its dual nature as a creative marketing tool and a controversial threat to official sponsorships. Drawing on case studies, it categorizes ambush marketing strategies into direct, indirect, and destructive forms, examining their effectiveness and consequences. While ambush marketing enables brands to leverage the visibility of events without official sponsorship costs, it challenges the exclusivity and financial stability of event organizers and sponsors. The discussion considers legal frameworks, consumer perceptions, and the broader impact on sports sponsorship markets. Ultimately, the analysis suggests a balanced approach to regulation, acknowledging ambush marketing's potential to drive innovation while emphasizing the need for fair competition and protection of sponsorship rights. This paper contributes to a nuanced understanding of ambush marketing's implications in the evolving landscape of sports marketing.

Keywords: ambush marketing, sports sponsorship, guerrilla marketing, event marketing, brand association, marketing ethics, creative advertising

INTRODUCTION

Major international sporting events are the ideal platform for numerous companies to embed their brand management and communicative target group approach in an attractive sporting environment. Sports event organizers therefore sell privileged marketing rights for their event to official sponsors, who in return acquire exclusive opportunities to use the event for their advertising. On the other hand, ambush marketing characterizes the approach of companies that have no marketing rights to an event but establish a connection to this event in various ways through their marketing measures. There is often a fine line between violating sponsorship rights and creative and innovative communication policy, which is why ambush marketing is the subject of controversial debate.

The phenomenon of ambush marketing has become significantly more important and professional in practice in recent years. From a theoretical perspective, the topic has so far mainly been addressed by Anglo-American economists (e.g. Meenaghan, 1994; Shani & Sandler, 1998; McDaniel & Kinney, 1998; Lyberger & McCarthy, 2001; Dickson, Naylor & Phelps, 2015) and legal scholars (e.g. Bean, 1995; Wittneben & Soldner, 2006; Melwitz, 2008; Heermann, 2011; Ellis, Parent & Séguin, 2016). However, the intensification of competition in the communication and sponsorship markets has meant that the use of ambush marketing as a marketing instrument can now be observed worldwide and, in addition to legal aspects, other aspects are also important for critical consideration.

PRINCIPLES OF AMBUSH MARKETING

Ambush marketing (or ambushing) refers to a “marketing ambush”. In more popular scientific sources, ambush marketing is often used synonymously with terms such as “free-riding”, “parasitic marketing” and “parasite marketing”. Official sponsors refer to this ambush of expensively purchased advertising rights as “theft” and emphasize the illegal aspects of ambush marketing (Payne, 1998; Townley, Harrington & Couchman, 1998; Burton & Chadwick, 2018). However, there are also representatives of an opposing position. They see ambush marketing as a “legitimate force” that helps the sports sponsorship market to become more efficient: “... all this talk about unethical ambushing is ... intellectual rubbish and postured by people who are sloppy marketers” (Welsh, 2002, n.p.).

Definition of Ambush Marketing

Ambush marketing was first coined by Bayless (1988, p. 1) as “a popular tactic [...] to take advantage of [...] an event”. This simple, unambiguous definition describes the false association by a company not sponsoring an event with a view to derive similar benefits as official sponsors of the event do.

An early academic definition of ambush marketing comes from Meenaghan (1994, p. 79). He describes ambush marketing as “the practice whereby another company, often a competitor, intrudes upon public attention surrounding the event, thereby deflecting attention toward themselves and away from the sponsor”.

Chadwick and Burton (2011, p. 714) define ambush marketing as “a form of associative marketing which an organization designs to capitalize on the awareness, attention, goodwill, and other benefits, generated by having an association with an event or property, without the organization having an official or direct connection to that event or property”.

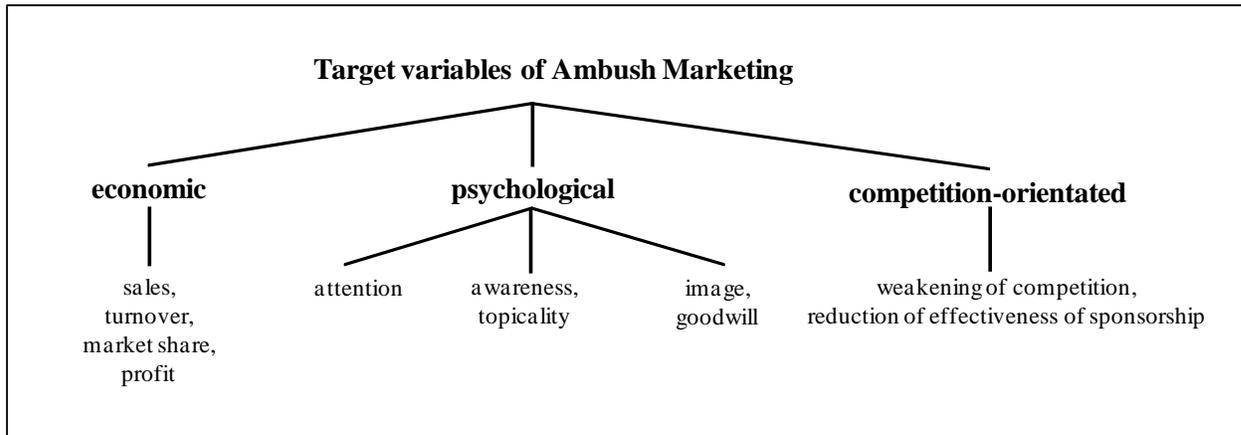
It is clear from these definitions that ambush marketing occurs particularly in the context of sponsored sporting events and is often initiated by direct industry competitors of official sponsors. The following definition will be used for the following analysis: Ambush marketing is the approach of companies to signal to the direct and indirect audience of a (sports) event the impression of a connection to the event through their own marketing, especially communication measures. However, the companies in question do not have legalized or merely underprivileged marketing rights to this third-party-sponsored event.

In this way, ambushers, like official sponsors, want to promote and sell products through an association with the event in the recipients’ perception. The philosophy of ambush marketing is to achieve conventional marketing goals with unconventional methods. As a rule, the aim is to achieve the greatest possible effect with a comparatively small investment. Ambush marketing can, therefore, be classified as an instrument of guerrilla marketing. The use of ambush marketing is often on the borderline of legality.

Objectives of Ambush Marketing

The idea of ambush marketing is to benefit from the success of sponsoring sports events without the specific obligations of an official sponsor. The goals of ambush marketers are therefore largely congruent with the goals of event sponsors but are to be achieved at a reduced financial cost (Pechtl, 2007). The objectives of ambush marketing can, therefore, be derived from the objectives of sponsorship (Bruhn, 2010). The focus is on achieving psychological and communicative objectives (see Figure 1).

**FIGURE 1
OBJECTIVES OF AMBUSH MARKETING**



Ultimately, exploiting the marketing potential of a sporting event implies economic goals such as sales, turnover, market share and profit. This is directly related to the offer of event-related products and services (Pechtl, 2007).

The pre-economic (psychological) goals are primarily in the area of communication impact. Ambushers such as sports sponsors strive for psychological goals such as attracting attention to their own advertising, increasing their level of awareness and topicality. They hope for an image gain through their (supposed) sponsorship (goodwill) as well as an image transfer of positive characteristics of the sporting event to the product or company image (Glogger, 1999).

In addition to these goals, which are analogous to event sponsorship, ambush campaigns also have explicitly competition-oriented goals: The communication policy impact of sports sponsorship is to be reduced, thereby weakening the competition (e.g. by preventing the exclusivity of sponsorship, reducing the sponsors' share of voice or hindering the sports sponsors' advertising).

SYSTEMATIZATION OF THE MANIFESTATIONS OF AMBUSH MARKETING

The following section presents an approach to structuring the manifestations of ambush marketing, which classifies ambush marketing manifestations into different categories, case groups and cases.

Differentiation of Basic Ambush Marketing Categories

The first step is to differentiate between three basic categories of ambush marketing.

First, a distinction can be made between direct ("blatant") and indirect ("subtle") ambush marketing (Wittneben & Soldner, 2006; du Toit, 2006; Pechtl, 2007). The characteristic feature of direct ambush marketing is that the campaigns are aimed directly at the marketing rights of the event organizer or the event sponsorship. In contrast, in indirect ambush marketing, the ambusher uses the sporting event as an opportunity for its own marketing activities, which is why indirect ambush marketing is primarily located in the area of communication. This fundamental distinction has become established in the literature on ambush marketing. This dichotomy is supplemented by a third category, which is best characterized as dominant destructive-aggressive ambush marketing: Measures in this category aim to reduce the impact of official sponsorships through destructive action. By blocking the sponsors' measures, an ambusher usually attacks a direct competitor and thus weakens the competition.

Ambush Marketing Case Groups to Be Distinguished per Category

In the second step, these three categories are each further subdivided into case groups in which similar cases are grouped together.

In the context of direct (“blatant”) ambush marketing, direct ambush marketing approaches, which are primarily motivated by product policy and focus on (rather short-term) economic objectives, are separated from direct ambush campaigns, whose motivation and implementation is primarily in the area of communication policy and which therefore focus on (rather medium-term) psychological objectives. In the first case group, event-related products are created and offered unauthorizedly. In the second case group, a sponsorship is communicatively feigned that does not actually exist.

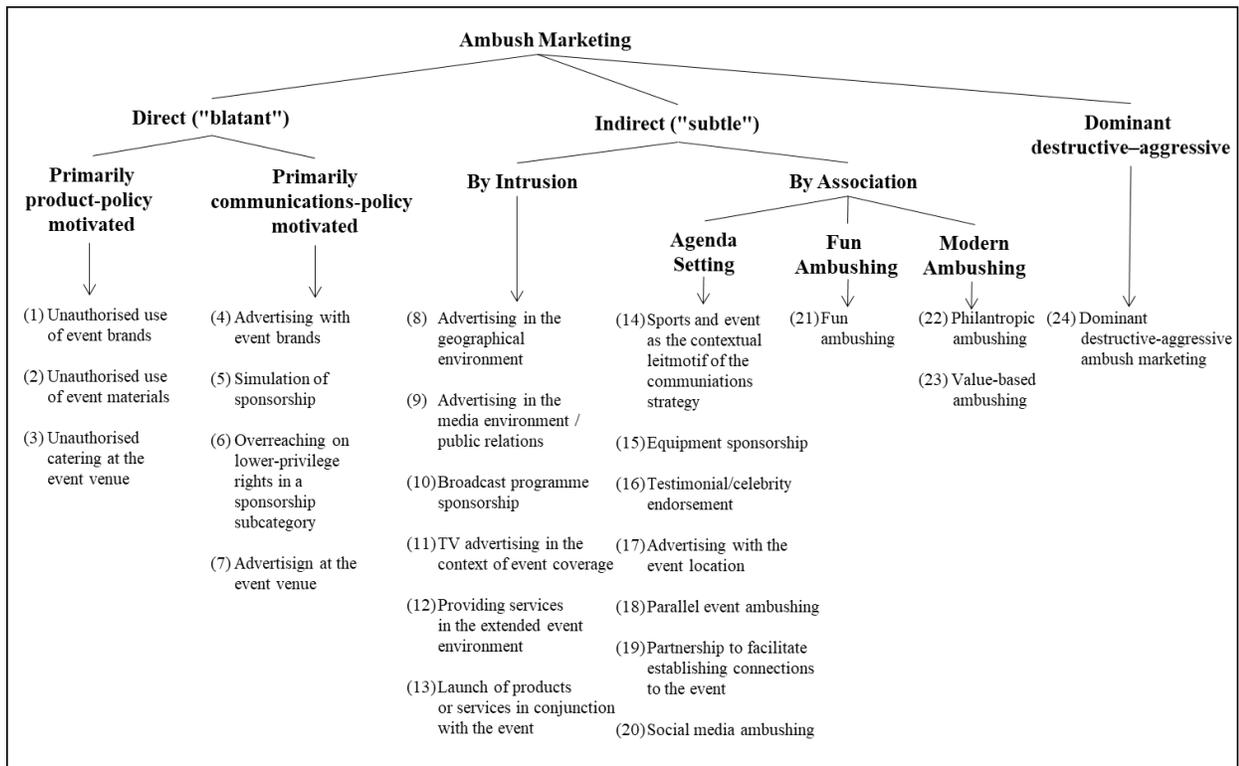
Indirect (“subtle”) ambush marketing is initially subdivided into ambush marketing by intrusion and ambush marketing by association. While ambush marketing by intrusion encompasses all ambush activities within the framework of a sporting event that can be characterized as “taking advantage of the opportunity”, ambush marketing by association is further differentiated: “Agenda setting” includes all ambush marketing measures that can be subsumed under “positioning through topicality” and that use the event as a communication platform (Pechtl, 2007; 2008). “Fun Ambushing” and “Modern Ambushing” are two separate special cases of ambush marketing by association.

The category “dominant destructive-aggressive ambush marketing” is not differentiated into any distinguishable case groups.

Typology and Description of the Various Manifestations of Ambush Marketing

Finally, in the third step, the 24 cases of ambush marketing subsumed under individual categories and case groups are differentiated. Figure 2 summarizes the above considerations on the structuring and systematizing the manifestations of ambush marketing.

**FIGURE 2
SYSTEMATIZATION OF THE MANIFESTATIONS OF AMBUSH MARKETING**



It is not always possible to clearly differentiate between ambush marketing cases; in practice, there are overlaps. This means that individual ambush campaigns that can be observed have a multiple character and can (or even must) be assigned to two (or possibly even several) cases in parallel. The systematization also

makes no final claim to completeness. Due to the highly innovative nature of ambush marketing, with new creative campaigns constantly being observed, this is more of a snapshot. Therefore, the structure adopted is not rigid, but flexible and open, so that new cases can be included and integrated later.

CONSEQUENCES OF AMBUSH MARKETING IN SPORT

The main parties involved in sports sponsorship bear the consequences of ambush marketing: sports event organizers, official sports sponsors and the media. In the following, the consequences of ambush marketing are first illustrated for these three groups before the effects on the entire sports sponsorship and sports market are considered.

Consequences for the Official Sports Sponsors

If ambushers participate in a sporting event in addition to official sponsors, a smaller proportion of the marketing potential remains for the sponsors and licensees. Initially, there is direct rivalry for the market potential of merchandising products. Sponsors/licensees and ambushers are competitors in the same business segment with their respective products. Ambushers siphon off the purchasing power of consumers with their own event-related products (Pechtl, 2007; Königstorfer & Urich, 2017). Ambush marketing also weakens the communicative effect of the sponsorship of an official sponsor. Ambush marketing increases the number of providers who use the sporting event for communication purposes. There is a risk that attention will shift away from the sponsor to the ambusher and that the desired increase in awareness and the intended image transfer will not be in the interests of the sponsor, but in favor of the ambusher. As a result, the exclusivity of being an official sponsor in direct relation to the sporting event is lost. The resulting “commoditization” makes it more difficult for sponsors to achieve their communication goals (Bruhn & Ahlers, 2003; Pechtl, 2008; Berberich, 2006). At the same time, the advertising pressure on the target groups increases, which implies a decrease in attention towards communication measures that relate to the sporting event. Not only is there rivalry between the providers in an industry, but all advertisers are competing for the (scarce) attention of the target group. Sports sponsors therefore achieve a lower “share of voice” in the target groups due to ambush marketing (Pechtl, 2007).

These findings lead to the conclusion that ambush marketing for sports sponsors generally results in a decrease in the effectiveness of their sponsorship message and ultimately a loss of value of their sponsorship (Townley, Harrington & Couchman, 1998; Meenaghan, 1996). If official sponsors can only realize part of the market potential of a sporting event due to ambush campaigns, it is to be expected that their willingness to pay and perform in support of such a sporting event will decrease. This can often trigger a re-evaluation of sporting event sponsorship as part of the communication mix, particularly in economically strained times (Bruhn & Ahlers, 2003; Meenaghan, 1996; Payne, 1998).

Consequences for the Organizers of Sports Events

As the budget of sports event organizers is generally not sufficient to finance major sports events, they are dependent on the acquisition of financially strong external partners. Marketing the event is therefore a key objective for the organizers. In return, they offer sponsors communication opportunities as part of the event and enable the sponsoring companies to create an association with the sporting event. If, due to ambush marketing, this association and consequently the communicative success of the sponsorship commitment is not guaranteed or has to be shared with non-sponsors, sponsorships lose value. The consequence of this is either a demand by the sponsors for a reduction in sponsorship fees or even a withdrawal by the sponsors. Both cases lead to uncertainty on the part of sports event organizers and jeopardize their sources of income (Bruhn & Ahlers, 2003; Meenaghan, 1996; Townley, Harrington & Couchman, 1998; Payne, 1998).

Consequences for the Media

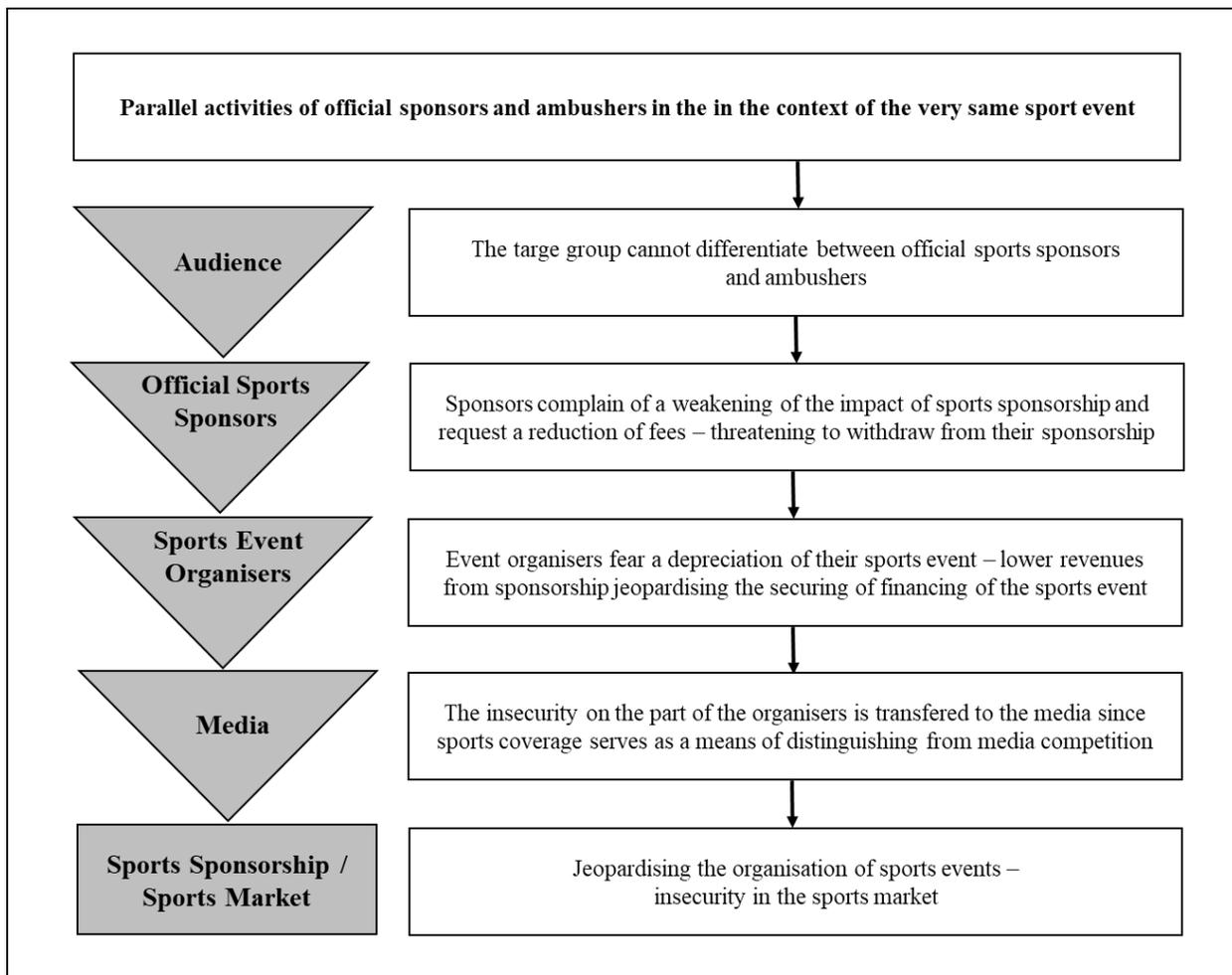
For the media, sports broadcasts have long been an essential program component and an effective instrument for profiling themselves in the face of media competition. Major sporting events generate high

viewing figures and also the opportunity to realize high advertising revenues by offering advertising blocks around the broadcast. Uncertainty on the part of broadcasters, therefore, also impacts the financial situation of television stations: They lose program content and, as a result, advertising revenue (Bruhn, 2010; Bruhn & Ahlers, 2003).

Consequences for the Development of Sports Sponsorship and the Sports Market

Overall, parallel activities of sports sponsors and ambushers in the context of the same sporting event lead to the chain of effects shown in Figure 3.

**FIGURE 3
IMPACT CHAIN OF THE CONSEQUENCES OF AMBUSH MARKETING**



Due to the network of relationships between the main stakeholders in sports sponsorship, the consequences are not limited to individual groups, but ultimately lead to uncertainty in the sponsorship market as a whole. This in turn has negative consequences for the development of the sports event market if sports sponsors withdraw from their commitments and the financial basis for a large number of sports events is withdrawn. As a result, the staging of important and popular major sporting events such as the Olympic Games and Soccer World Cups or European Championships, which are largely financed by external partners (primarily sponsorship money), is at risk in the medium term (McDonald & Davidson, 2002; Bruhn & Ahlers, 2003; Lentze, 2006).

EXAMPLES OF AMBUSH MARKETING IN PRACTICE

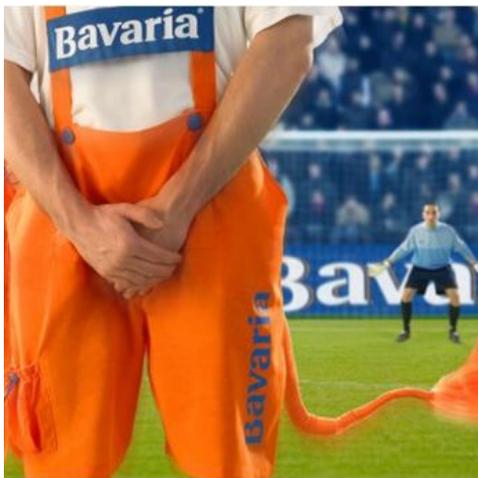
The following section presents and discusses some particularly media-effective and/or controversial cases of ambush marketing (in chronological order) that have occurred in the context of sporting events in recent years.

Bavaria

The beer brand Bavaria from the Dutch Heineken Group attracted great attention during the 2006 and 2010 World Cups with well-planned ambush campaigns.

Before and during the 2006 World Cup in Germany, Bavaria distributed around 250,000 lederhosen in the Netherlands in the national color orange with “Bavaria” printed on them (see Figure 4). The intention was that Dutch fans would wear these lederhosen during their stay in Germany’s supposed “lederhosen country” and display them publicly, especially when visiting stadiums.

FIGURE 4
AMBUSH MARKETING BY BAVARIA 2006



(Nufer, 2013, p. 44)

This strategy initially worked, as thousands of Holland fans turned up in dungarees before the Netherlands’ preliminary round match against the Ivory Coast in Stuttgart to – consciously or unconsciously – transport unauthorized advertising into the stadiums as multipliers. The organizers had to act quickly to protect the official sponsors. FIFA referred to its Ticketing Terms and Conditions, whose Rule 10 stated that “advertising, commercial, political or religious items of any kind, including banners, symbols, and leaflets ... are not permitted and ... may not be brought into the stadium if the Organizing Committee has reason to believe that they will be displayed in the stadium.” FIFA’s Rights Protection Team ensured that all unauthorized Bavaria advertising material had to remain outside the stadium gates, meaning that over 1,000 Dutch supporters had to take off their lederhosen, as otherwise FIFA would have refused them entry to the stadium. Although it was ultimately a fended-off ambush attempt, the action brought Bavaria immense attention. The fact that over 1,000 people watched a World Cup match in the stadium in their underpants attracted a great deal of media attention – so the action would probably have attracted less attention if the FIFA team had not stopped it.

During the 2010 FIFA World Cup in South Africa, Bavaria again relied on ambush marketing. It again achieved a high level of media attention – this time with the so-called “Beer Babes”. In the audience of the preliminary round match between the Netherlands and Denmark in Johannesburg, 36 young women presented themselves in orange mini dresses from the brewery. This time, the Bavaria brand name was only attached to a small label on the seam (see Figure 5).

FIGURE 5
AMBUSH MARKETING BY BAVARIA 2010



(Nufer, 2013, p. 44)

FIFA once again took rigorous action against this campaign, removing the blondes from the stadium and even briefly arresting their alleged leaders. Tempers flared afterwards: the world soccer association filed a lawsuit in court against the planned action. The Dutch embassy assured the women of legal support. While Bavaria's advertising intention was obvious in 2006 with clear lettering on the dungarees, the brewery's calculation in 2010 was much more subtle. It was a case of ambush marketing calculated on the drawing board: on site, i.e. in front of and inside the stadium, the campaign was not initially recognized as ambush marketing. As a result, the "Beer Babes" – unlike the fans wearing orange Bavaria dungarees four years previously – were able to enter the stadium without any problems and undisturbed by FIFA surveillance. Who would notice a few girls dressed in orange (with a barely visible Bavaria logo) in the stadium when thousands of orange-clad Dutch fans are there anyway? Again, it was only when FIFA intervened that the action attracted media attention.

However, while FIFA itself saw through the ambush calculation in 2006, it must have received a specific tip-off in 2010 – presumably from the initiator Bavaria itself, because it was only when FIFA intervened that the ambush marketing campaign was exposed as such and made public. This was the only way that this incident, which was initially completely harmless from an advertising perspective, made it into the media coverage and had an immense PR impact – and that is exactly what Bavaria wanted to achieve.

Kulula

In the run-up to the 2010 FIFA World Cup in South Africa, the South African airline Kulula advertised itself as the "unofficial airline of you-know-who" (see Figure 6, left). The world soccer association FIFA then sued Kulula for unfair competition, accusing Kulula of having made an unauthorized reference to the 2010 FIFA World Cup.

Kulula then launched a new advertising campaign in the national press in June 2010: "We offer affordable flights for everyone except Sepp Blatter," Kulula advertised with a wink, "he can fly for free" (see Figure 6, center).

Shortly afterwards, Kulula followed up with full-page advertisements in the South African press: "It's official. Sepp Blatter is flying with us" (see Figure 6, right). The low-cost carrier immediately put things into perspective: "Okay, it's not exactly the Sepp Blatter we were expecting, but a promise is a promise." It was "Sepp, the Dog", a Boston Terrier from Cape Town. Kulula says: "We are proud to have him on board. Because every Sepp Blatter is our friend".

**FIGURE 6
AMBUSH MARKETING BY KULULA**



(Nufer, 2018, p. 61)

This successive increase in ambush marketing attracted international media attention and significantly raised the South African low-cost airline's profile nationally and internationally. The brand played a charming game with FIFA. The foresight with which it proceeded is remarkable – in planned, successive steps, each of which achieved a corresponding effect on its own and ultimately made the entire campaign appear well thought out and very successful.

Bruno Banani

At the 2014 Winter Olympics in Sochi, the world marveled at more than just the best athletes. One exotic luge athlete enjoyed just as much media attention as many Olympic champions and medal winners, even though he had only finished his luge competition in Sochi in a distant 32nd place: Bruno Banani (see Figure 7) from the South Pacific island of Tonga.

**FIGURE 7
BRUNO BANANI LUGER FROM TONGA**



(Nufer, 2018, p. 63)

Bruno Banani would not have made the headlines for sporting reasons. A few years earlier, he might have attracted attention in luge due to his exotic origins. But at those Winter Olympics, competitors from India, Australia and China were also competing in his discipline alone – all countries with a very limited luge tradition. So it took more than that to really stand out: the 26-year-old computer science student was discovered a few years earlier in his home country and signed by a German marketing agency. A short time later, the winter sportsman officially changed his name to the brand name of the German underwear manufacturer Bruno Banani from Chemnitz, was sponsored by them and also trained mainly in Germany.

The Kingdom of Tonga, which belongs to Polynesia, is an island located around 2,000 kilometers north of New Zealand and around 4,000 kilometers east of Australia in the South Pacific. In the winter, the average low temperature is 18 degrees Celsius and has never snowed. While supposed “superstars”, “super talents” and “top models” are discovered every year on German television, “Tonga’s next luge athlete” was sought on Tonga. In 2008, the Tongan princess decided that the time was ripe for the first winter sports Olympian from Tonga. A casting was held to find the Tongan with the greatest talent for luge. Fuahea Semi (as he was still called at the time) showed the best skills when it came to maneuvering a sled down a sand hill as quickly as possible. Among the spectators at this spectacle was an employee of a German advertising agency from Leipzig, which works with the underwear brand Bruno Banani, among others. The idea of signing and sponsoring the athlete was quickly born. And because a Tongan origin in luge is no longer exotic enough, Fuahea Semi was renamed Bruno Banani, including a new passport – all to attract public attention. After founding the Tonga Luge Association (which has exactly one member), nothing stood in the way of Bruno Banani’s international sporting career. After the first attempt to qualify for the 2010 Winter Olympics in Vancouver failed, Bruno Banani sensationally managed to qualify for Sochi 2014.

Aldi

The British subsidiary of German discounter Aldi Süd relied on a mixture of comedy and soccer language, including an opportune allusion to Christmas, in its marketing for the first Soccer World Cup to be held in winter in 2022 (see Figure 8).

**FIGURE 8
AMBUSH MARKETING BY ALDI**



(Portela, 2022, n.p.)

The country-specific beers temporarily offered in the range during the World Cup were already a good idea, as experience has shown that drinking beer and watching soccer go well together. Aldi’s mascot trio consisting of “Ronaldi”, “Marrowdona” and “Messy” in Christmas tree decorations reinforced the link to

the Winter World Cup. The highlight was a TV commercial that left an impression on consumers' minds and made them smile: in addition to a consistent soccer reference, it included an allusion to the best soccer commercial of all time, the clever use of Christmas references to the first Winter World Cup and links to the company's own product range garnished with a dash of pop culture and zeitgeist.

Check24

The comparison portal Check24 gave away five million Germany jerseys in the run-up to the 2024 European Soccer Championship held in Germany – and generated a lot of data and valuable social content. The jersey campaign was combined with a European Championship betting game. The comparison portal's app was at the top of the Appstore charts for weeks. At the same time, former national team player Lukas Podolski appeared in the company's TV advertising.

The company attracted a lot of attention in a year with a European Championship in its own country, which also bears similarities to the "Check24" brand as "EURO 24". Its partner was the sporting goods manufacturer Puma. Initially, Check24 ordered 1.5 million jerseys from Puma, but had to quickly increase this due to the high demand. In the week of the tournament's opening match, Check24 was sending out 400,000 jerseys per day – and was actually able to reliably meet the high demand.

FIGURE 9
AMBUSH MARKETING BY CHECK24



(Modemann, 2024, n.p.; Schlenk, 2024, n.p.; Schemmerling, 2024, n.p.)

For Check24, the ambush measure was a way to tap into a younger target group. The campaign was designed to attract as many new customers as possible to the comparison portal. To receive the free jersey, you had to download the company's app and enter your details. The betting game is designed to ensure that jersey owners continue to use the app regularly. Check24 wants to build up an active soccer community, and in future there will be a Bundesliga betting game and a streaming comparison on the portal.

With this campaign, Check24 has secured an immense amount of valuable data records that the participants voluntarily provided. At a time when the digital advertising ecosystem is becoming increasingly challenging due to stricter data protection regulations and the phasing out of support for third-party cookies at Google, this is of immense value. Consumer advocates, however, criticize the fact that you had to pay for the jersey with your data.

Check24's ambush marketing for Euro 2024 has set new standards. The communication effect will continue in the long term, as it can be assumed that the owners will continue to wear their jerseys and thus show them off. The Munich-based company has deliberately chosen a path without the German soccer

association. The portal is not an official DFB partner, so the logo with the German eagle on the jersey looks different. Legal problems were circumvented by generating the eagle using AI.

For comparison: In 2014, the year of the last World Cup title for Germany to date, adidas sold around three million jerseys as the official supplier of the German national soccer team, a record figure to date. Check24 and Puma have now significantly surpassed this figure with five million jerseys.

CRITICAL APPRAISAL OF AMBUSH MARKETING

Ambush marketing is located at the intersection of two opposing spheres of interest engaged in a distribution battle for the marketing potential of a sporting event: On the one side are the organizers and the official sponsors, on the other side are the ambushers. From the perspective of the organizers and sponsors, ambush marketing represents a threat; from the perspective of the ambushers, it represents an opportunity (Nufer, 2018; Ellis, Parent & Séguin, 2016; Pechtl, 2007). The following arguments can be put forward for and against ambush marketing.

Opportunities and Uses of Ambush Marketing

Due to the high costs of official sports sponsorships and the assurance of industry exclusivity on the organizers' part, fewer companies can participate in a mega sports event as official sponsors. Ambush marketing aligns with the competitive spirit of not letting profit and sales opportunities go to waste. The lack of a service supporting the sports event and the endeavor to participate in its marketing potential is not unfair per se. A sporting event should not be run as a "closed society" by the organizer and sponsors.

Recently, there has also been an increasing tendency towards the "monopolization" of major sporting events, which in some cases manifests itself in a possibly excessive "regulatory frenzy" on the part of the organizers about the use of their event-related trademarks. This is not always comprehensible to the general public and sometimes even generates sympathy for ambushers. At the same time, rigid action against ambushes also jeopardizes a minimum level of advertising freedom (Wittneben & Soldner, 2006; Pechtl, 2007; Bruhn & Ahlers, 2003; O'Sullivan & Murphy, 1998; Dickson, Naylor & Phelps, 2015).

Welsh (2002, n.p.) is considered one of the most active defenders of ambush marketing: "When you own and license Kermit you have only given the rights you own to one specific frog, and maybe not even to all green ones. [...] Ambush marketing, correctly understood and rightly practiced, is an important, ethically correct, competitive tool in a non-sponsoring company's arsenal of business- and image-building-weapons. To think otherwise is either not to understand – or willfully to misrepresent – the meaning of Ambush Marketing and its significance for good – and winning – marketing practice."

Advocates of ambush marketing describe ambushing as a legitimate, creative force that helps the sponsorship market to become more efficient. Ambush marketing is only possible if the official sponsors do not shield their activities sufficiently or do not fully exploit their potential (Portmann, 2008; Welsh, 2002). Ambush marketing would, therefore, be a new, innovative instrument in the marketing mix.

Dangers and Limits of Ambush Marketing

In return for their sponsorship and license fees, the official sponsors would like to receive exclusive exploitation of the marketing potential of the sporting event. This is also in the interest of the organizer, who can thus generate higher income from the sponsorship and licensing business. From this point of view, it is legitimate to protect this shared interest in exclusivity by using the available legal options. In particular, disregarding the property rights of official sponsors can be legally pursued. Based on the general sense of justice, it can be argued that only companies that have made a financial contribution to the organization of the sporting event may also skim off the economic profit (Wittneben & Soldner, 2006; Pechtl, 2007; Grady, 2016).

Ambushers also violate the statutes of various corporate and agency associations that aim to promote fair, ethical marketing (e.g. "Standards of Practice" of the American Marketing Association of Advertising Agencies, "Code of Ethics" of the Business Marketing Association). In this respect, ambush marketing misleads consumers (Bruhn & Ahlers, 2003; Payne, 1998). A negative image transfer from ambush

measures to the initiating company is also possible, especially if the target group being courted compares the positive promotional idea of official sponsors with the possibly even destructive-aggressive approach of the ambusher – which can increase even further to the point of creating reactance on the part of recipients.

Opponents of ambush marketing condemn ambushing as the illegal theft of expensively purchased advertising rights. A statement by former IOC marketing director Payne (quoted in Sportlink, 2003, p. 4) summarizes the opinion of many critics: “Ambush marketing is not a game. It is a deadly serious business and has the potential to destroy sponsorship. If ambush or ‘parasite’ marketing is left unchecked, then the fundamental revenue base of sport will be undermined. [...] Ambush marketers are thieves knowingly stealing something that does not belong to them.”

These arguments can be summarized as follows: What if all companies preferred ambushing to being an official sports sponsor?

CONCLUSION AND OUTLOOK

Overall, due to its controversial nature, ambush marketing should not be relegated to the “dirty corner” of marketing per se. Rather, ambush marketing should be classified as a competitive instrument connected to a sporting event. The fact that ambush marketing is often a “hare and hedgehog race” in which the organizer takes on the role of the hare should therefore be seen as a sign of a functioning competition in which each of the players involved uses their specific “weapons” (official sponsorships versus creativity). For the ambusher, ambush marketing can sometimes also represent a dangerous competitive strategy: While the ambusher can fight with marketing weapons alone, the organizers and sponsors/licensees can furthermore fight the battle for the marketing potential of an event with their legal positions – and thus with an additional set of tools. This could turn investments in ambush marketing into “sunk costs” for the ambusher through the courts (Nufer, 2018; Burton & Chadwick, 2018; Pechtl, 2007).

As the above explanations show, a general assessment of ambush marketing is impossible. Ambush marketing must be viewed differently according to the various categories. The following can be stated:

- For the most part, direct ambush marketing operates in the gray area of legitimacy or even deliberately exceeds it, which is why this category of ambush marketing is largely to be judged as unlawful.
- As blocking or destroying the sponsorship effect can generally hardly be proven as a targeted and planned obstruction, legal prosecution of predominantly destructive-aggressive ambush marketing is difficult. However, planned attacks on sponsors that pursue the primary goal of reducing or even destroying the effect of official sponsorship must be condemned as immoral.
- Jurisprudence often has little to say against indirect ambush marketing. Even from an ethical and moral point of view, it is not easy to put forward cogent arguments against creative advertisers. Organizers of major sporting events must, therefore, accept that it is also possible for non-sponsors to take advantage of opportunities that present themselves or to lean on an event – without infringing rights.

Restricted event protection would be an appropriate and proportionate solution. It is important to find a good balance so that the financing of major sporting events remains secure and fair competition between advertising companies can take place at the same time, true to the motto “Those who do not differentiate themselves are eliminated” (Schulte, 2007, p. 138), because ambush marketing as an instrument of guerrilla marketing has great potential to enrich communication policy with innovative and sometimes amusing approaches.

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