Rzeszowski Jakub. Ambush marketing in sport – characteristics of combating the phenomenon. Journal of Education, Health and Sport. 2018;8(9):504-517 eISNN 2391-8306. DOI http://dx.doi.org/10.5281/zenodo.1407480
http://ojs.ukw.edu.pl/index.php/johs/article/view/5894

The journal has had 7 points in Ministry of Science and Higher Education parametric evaluation. Part b item 1223 (26/01/2017).
1223 Journal of Education, Health and Sport eissn 2391-8306 7

The authors declare that there is no conflict of interests regarding the publication of this paper.

Received: 02.08.2018. Revised: 18.08.2018. Accepted: 1.09.2018.

Ambush marketing in sport – characteristics of combating the phenomenon

Jakub Rzeszowski

Nicolaus Copernicus University in Toruń
jakubrzeszowski@gmail.com

Abstract

In the article, the author has characterized the phenomenon of *ambush marketing* by describing its immense diversity. Reasons and the practical status of this phenomenon have also been indicated. Subsequently, attention has been drawn to provisions of the Polish law that may turn out helpful, but insufficient, when it comes to combating practices of ambush marketing. In the summary, the author states that the Polish law system still hasn't decided to pass a special act to regulate this issue despite some past opportunities to do so.

Keywords: ambush marketing, sports, international sports event

Introduction

The phenomenon of *ambush marketing* is an especially important matter in the modern world in times of organization of many sports events that attract a large number of supporters both

to the place of a given competition and to the screens of TV sets. Every grand international sports event, such as: the Olympic Games, World and European Football or Volleyball Championships are a great opportunity for global brands to obtain significant profits and gain a wide range of future clients [1]. Apart from a pure sports competition, there is also another kind of competition between large corporations in terms of advertisements and sponsoring [2]. Mass audiences present a perfect opportunity to gain potential clients, and that is why none of the leading brands ignores international sports events [3]. However, it is not always that competition between companies is transparent and complies with the letter of the law. This issue mostly concerns companies that are not official sponsors of a given sports event. Such firms affiliate the event with their brands by using communication and promotional tools without spending any funds that are otherwise incurred by official sponsor companies. This way, we were dealing with a phenomenon defined as ambush marketing. It is important to remark that in the last few years, the phenomenon has become a threat to organizers and sponsors of sports events [4]. In Poland, threat results from the fact that the Polish legislator does not guarantee complete protection against that phenomenon. This conclusion comes to mind when taking a closer look at the last sports event, that is, UEFA EURO 2012 European Championships, which was organized jointly by Poland and Ukraine. In the future, a lack of efficient tools for combating ambush marketing may lead to even more incidents of abuse brought about by unfair entrepreneurs. At this point, it is worth thinking about this matter in terms of the coming sports events that will be organized in Poland.

The term *ambush marketing*

In the English language, the term *ambush* means a trap or a surprise attack [5]. In literature, it is possible to encounter many different definitions of *ambush marketing*. Differences result from the fact that it is not a homogenous phenomenon [6]. It is characterized by immense „diversity in terms of range, form and content" [7]. The phenomenon of *ambush marketing* was encountered for the first time in the 80s of the twentieth century during the Olympic Games held in Los Angeles [8]. The International Olympic Committee decided to introduce the so-called official sponsors of the Olympic games [9]. This practice was also adapted by other international organizations such as: the International Federation of Association Football (FIFA), the Union of European Football Associations (UEFA) and the International Olympic Committee (IOC).

The terminology of the Polish language defines ambush marketing as "deceitful, parasitic, misleading, invasive and associative" [10]. It is safe to say that the previously listed adjectives suggest a pejorative association. *Ambush marketing* expresses actions of a brand owner that aim at invoking associations with the sponsored event or place without purchasing sponsorship rights [11]. Such actions may be based on unlawful use of an advertisement that includes a registered trademark (symbol, words) or the name of an event that official sponsors and organizers of events have rights to. It is worth pointing out that *ambush marketing* is a phenomenon that is a form of promotion closely connected with sponsoring [12]. Moreover, *ambush marketing* is defined as "a planned marketing campaign of a given company based on an indirect connection of it and a brand with a specific sports event in order to gain some degree of recognisability and benefits that normally are the right of official sponsors and organizers" [13]. Ambush marketing is also defined as "an attempt to take advantage of positive association invoked by an event and the attention of mass media that is focused on it, but without incurring license fees due to its organizer" [14]. Distinguishing between two forms of ambush marketing deserves particular attention:

- *association ambushing* – it is based on conducting marketing operations by invoking a false impression that a given company is an official sponsor of an event due to the use of symbols and signs that are restricted by intellectual property rights;
- *intrusion ambushing* – this form of ambush marketing does not involve a company's violation of intellectual property rights. It is based on other attempts of promotion with the use of media broadcasts, transmissions and other forms, which invoke associations with an event [15].

In order to obtain the title of an official sponsor of a given sports event, companies incur massive financial costs. Those costs increase along with the range of an event and also when there is a limited number of sponsors with rights to take part in a given sports event. On the other hand, companies without such financial capabilities choose "a shortcut" in the form of unfair practices of *ambush marketing*. Such practices bring about great frustration both for organizers and official sponsors of sports events. As a result, the nature of ambush marketing is for a company to obtain a similar brand recognisability effect as the one obtained by official sponsors of a given event. At this point, it's important to mention some examples of *ambush marketing* practices demonstrated by companies during the 2012 UEFA European Football Championships:

a. „Petro Development” advertisement

Source: www.sportmarketing.pl/publicystyka/94,ambush-marketing-na-euro-2012 (access: 15.06.2018).

b. „Universum- euroobuwie” advertisement

Source: www.euroobuwie.pl/5-Rabatu-Dla-Kazdego-cabout-pol-27.html (access: 15.06.2018).

c. Advertisement of travel mugs sold by the discount supermarket chain „Biedronka”

Source: www.fanbiedronki.pl/gazetka/2012.02.06.gazetka/1196,Termokubek,Euro,2012,Pendrive,Emtec,8GB (access: 15.06.2018).

Methods of combating *ambush marketing*

In Poland, there is no special act that offers complete protection against ambush marketing. It is possible to find some protection tools based on specific acts, however, they seem to be unsatisfactory. Each case has to be examined separately according to legal regulations included in the act on combating unfair competition [16] or the act on copyrights and related acts [17] as well as the act on industrial property law [18]. In turn, some countries decided to strictly regulate those matters with designated acts for the purpose of organization of sports

events. Such situation took place during the Olympic Games held in London in 2012, where in 2011 an appropriate act [19] was passed that defined penalties for unlawful sale of tickets, regulated matters of trade and established advertisement-free zones. An interesting example is Ukraine, that is, the country that co-hosted the 2012 European Football Championships together with Poland. In the context of the mentioned event, this country passed a special act in 2017 that guaranteed an extended protection of rights and products of sponsors and organizers [20]. An interesting fact is that even showing a football in an advertisement was impossible if you were not an official sponsor [21]. Poland did not make a decision to take such a brave step. At this point, it is important to remind the reader that Poland as a Host Country undertook many obligations and guarantees towards UEFA in relation to its candidacy application in terms of protection of a broadly understood intellectual property [22]. Those guarantees applied to i.e., promotion, symbols, appointment of a Rights Protection Committee, rules of distributing tickets, *public viewing* and granting UEFA priority and exclusive rights for purchasing the advertising space [23].

An idea in the form of a draft act that would make the above-mentioned guarantees real was proposed in the Ministry of Sport and Tourist of the Republic of Poland and it aimed at protecting the intellectual property rights, but it has never left the ministry [24]. Moreover, the mentioned legal act was not supposed to have an incidental nature but it was supposed to cover other sports events organized in Poland in the future as well [25]. For instance, a similar act has been in force in New Zealand since 2007 [26]. This solution seemed correct and it is possible to state that the Polish government missed an opportunity, which presented itself at that time. It is worth pointing out that an important goal of that act was to comprehensively cover rules that protect intellectual property rights of organizers of important sports events, rules of organizing a public viewing of sports events, protection of sports organizations and official sponsors against more common phenomenon of ambush marketing [27]. As a result of that project's failure, Polish Host Cities of EURO 2012 accepted UEFA's marketing guidelines about i.e., using specific UEFA designations, specific marketing rights, events connected with EURO 2012, official supporter zones, events connected with public viewing of EURO 2012 matches and the UEFA event promotion schedule [28]. The guidelines were also signed by the Ukrainian Host Cities of EURO 2012 [29]. Many legal regulations about *ambush marketing* were introduced in Brazil for the Olympic Games held in Rio de Janeiro in 2016 [30]. The more interesting regulations included, for example, ban for sportsmen on taking photos in which a company that wasn't an official Olympic sponsor was visible.

As it has already been mentioned, the applicable provisions of the Polish law require seeking protection against ambush marketing in specific acts. Therefore, we have been stripped of a possibility to acquire a more extensive protection, for instance, with regard to the regulation about the protection of a specific event, or a possibility to acquire a special status that would protect a given event [31]. Very important provisions for protection of trademarks can be found in the act on industrial property law.

Their main purpose is to protect a registered trademark against use by an unauthorized entrepreneur [32]. That is why organizers of sports events take great care of registering trademarks that contain designations connected with a given event. The authorized entity can encounter two types of violations resulting from the trademark protection right. First of all, unlawful use of a trademark in business trading that's identical with a registered trademark in respect to identical goods and a trademark identical or similar to a registered trademark in respect of identical or similar goods, if a likelihood of misleading the public, including in particular a risk of associating the trademark with a registered trademark, exists (art. 296 section 2 pt. 1-2 of the act on industrial property law). Second of all, violation can take the form of unlawful use of a trademark in business trading identical or similar to a renowned trademark registered for any kind of goods, if such use without due cause would bring unfair advantage to the user or be detrimental to the distinctive character or good name of the earlier trademark (art. 296 section 2 pt. 3 of the act on industrial property law). If violation occurs as described in the second case, a special protection for the so-called renowned trademark is established [33]. Literature describes it as "a typical protection against parasitic behaviour that goes well beyond the boundaries of protection resulting from the act on combating unfair competition"[34]. A renowned trademark, as defined in provisions of art. 296, section 2 pt. 3 of the act on industrial property law, is "a trademark identical or similar to a renowned trademark registered for any kind of goods, if such use without due cause would bring unfair advantage to the user or be detrimental to the distinctive character or the repute of the earlier trademark"[35]. Such trademarks can be the ones registered by organizers of grand sports events, for instance, names, slogans, logos, mascots [36]. Only entities that registered a specific trademark have the right to use it. Therefore, they have the so-called exclusive use right. In order to avoid violations, consent of an appropriate event organizer has to be obtained. Every attempt at violating this right is settled in civil law courts. Claim of default is an essential mean for civil protection of rights connected with trademarks. Moreover, compensation for damage caused by violation of trademark protection rights can be settled on

a general basis, that is, according to the regulation on liability for damage provided for in the Civil Code [37]. Otherwise, damage can be compensated for by paying an amount of money that is equal to the license fee or other adequate remuneration, which at the time of settlement would be due in exchange for granting the authorized entity's consent to use its trademark (art. 296 section 1 pt. 2 of the act on industrial property law).

Some actions of ambush marketing connected with registered graphic logos can be qualified as violations of provisions of the act on copyright and related rights that protect the author's material and personal rights to his or her work. In practice, it means that using works for marketing purposes can be accomplished only following the author's consent expressed in an agreement entered into between the author and the other party. Thus, according to art. 1 section 2 of the act on copyright and related rights "the object of copyright shall be any manifestation of creative activity of individual nature, established in any form, irrespective of its value, purpose or form of expression (work)". Examples of works are listed in art. 1 section 2 of the act on copyright and related rights. In particular, the object of copyright shall include:

1) works expressed in words, mathematical symbols, graphic signs (literary, journalistic, scientific and cartographic works and computer programs)
2) artistic works;
3) photographic works;
4) string musical instruments;
5) industrial design works;
6) architectural works, architectural and urban planning works as well as urban planning works;
7) musical works as well as musical and lyrical works;
8) theatrical works, theatrical and musical works as well as choreographic and pantomime works;
9) audiovisual (including film) works.

It is safe to say that designations such as logos or mascots of a grand sports event, for instance mascots of the 2012 UEFA EURO Championships Slavek and Slavko [38], can be considered works. That is why their use for marketing purposes without appropriate consent would violate rights, in this case UEFA rights [39].

Most instances of ambush marketing can be considered acts of unfair competition according to provisions of the act on combating unfair competition. Legal assessment for the qualification of such *ambush* actions is difficult and ambiguous. In order to define it, literature draws our attention to features of those actions described in the following way:

- firstly, whether a given action is performed directly by an entrepreneur or other entities (supporters, sportsmen);
- secondly, whether a given action is considered advertising (spots, billboards), or a different type of a promotional campaign (giving away gadgets, organization of contests);
- thirdly, what is the usage scope of event symbols (name, mascot, logo);
- last but not least, whether a given practice corresponds with some else's advertising campaign or its elements (e.g. slogans)[40].

M. Pleban is right when stating that sportsmen, who take part in advertising campaigns, as well as supporters dressed in special outfits or carrying flags cannot be considered perpetrators of ambush marketing according to the act on combating unfair competition [41]. Such perpetrators are companies, whose advertising campaigns involve sportsmen and companies that make outfits and flags with unauthorized designations [42]. According to art. 3 of the act on combating unfair competition, an act of unfair competition is against the law or good practices when it threatens or violates interests of another entrepreneur or client. This provision includes a general clause that refers to the system of assessment and extra-legal standards, that is, "good practices"[43]. In turn, as provided for in art. 3 section 2 of the act on combating unfair competition, acts of unfair competition are particularly: misleading designation of the company, false or deceitful indication of the geographical origin of products or services, misleading indication of products and services, infringement of the business secrecy, inducing to dissolve or not to execute the agreement, imitating products, slandering or dishonest praise, impeding access to the market, also unfair or prohibited advertising and organization of a system of pyramid selling. The above examples are not a closed catalogue. Therefore, it is up to the court to assess whether a given action can be qualified as i.e. an act that contradicts good practices. Invoking a wrong association by a company about being an official sponsor of a sports event without incurring any financial costs is considered violation of good practices, which violates interests of other entrepreneurs (official sponsors) [44]. That is why it is possible to seek an efficient protection against ambush marketing in that provision. Moreover, this provision is the basis for claims against unfair marketing actions that do not constitute the named acts of unfair competition (typified

in chapters 2 and 4 of the act on combating unfair competition) [45]. An act that contradicts good practices is connected with *ambush* marketing practices, i.e., making packages, marketing concepts look similar to original products of the competition, using symbols of official sponsors by a different entrepreneur as a way to draw the customers' attention to its trade offer [46].

According to art. 5 of the act on combating unfair competition, an act of unfair competition the designation of the undertaking in a way, which may mislead customers in relation to its identity, due to the use of trade mark, name, emblem, letter abbreviation or another characteristic symbol already lawfully used to indicate another undertaking. Therefore, for instance the use of the name EURO 2012 by an unauthorized company can be understood as violation of that provision. It seems to be a *sine quo non* condition, which regulates protection and priority of using designations in business trading [47]. There's no doubt that such name is registered for use only by official sponsors of a given sports event.

On the basis of art. 10 of the act on combating unfair competition, an act of unfair competition is such indication of products or services or its lack, which may mislead customers in relation to the origin, quantity, quality, components, manufacturing process, usefulness, possible application, repair, maintenance and another significant features of products or services as well as concealing the risks connected with their use. A rather common practice of unfair entrepreneurs is to use designations of their products that invoke a false association that they come from organizers or sponsors of a given sports event [48]. It relates to popular designations used for products by entrepreneurs as the so-called „supporter's products". It has to be accepted that this provision „finds its application only if the used designation may be misleading" [49]. Moreover, that provision „does not prohibit distributing false information in the situation when an average client is aware that a feature of goods or services indicated by an entrepreneur is in an obvious way fraudulent and thus there's no false impression about such feature in the mind of the client" [50].

Attention also has to be drawn to art. 14 of the act on combating unfair competition, which states that an act of unfair competition is disseminating untrue or misleading information on oneself or another entrepreneur or undertaking in order to yield benefits or bring detriment. A particular abuse is giving false information about being an official sponsor of a given sports event. Such information can be used by a company that's actually sponsoring a given sports event. An important precondition for effective accusation on the basis of the above mentioned

provision is to state “the perpetrator acted wilfully, on purpose, with intention to gain benefits or cause damage” [51].

In addition to that, article 16 of the act on combating unfair competition lists typical cases of unfair competition acts in advertising. An important case is an advertisement that contrary to good practices and misleads, thus influencing decisions about purchasing goods or services. It is important to bear in mind that a general clause of “good practices” is extra-legal and subject to assessment. In turn, an error ought to be significant i.e., “should develop at least a potential ability to influence the recipient’s decision about selecting the advertised product” [52]. That’s why one of the most important criteria for assessing fairness of actions taken as part of market competitiveness is to prohibit misleading acts [53]. Such advertising practices were used during UEFA EURO 2012 by Tyskie, a beer company [54].

Summary

When taking into consideration acts of ambush marketing that occurred in the past, I believe that a constructive debate should be conducted to introduce new (possible) legal solutions in Poland in terms of a more extensive protection of rights of organizers and sponsors of grand sports events. It seems that the currently applicable legal regulations are not sufficient. Civil law provisions are not repressive due to their nature. They find their application as a result of an obvious violation of the right to a trademark or a name. However, enforcing the law in the case of sophisticated and innovative practices of *ambush marketing* based on associations and implications related to a sports event poses an especially difficult challenge. Of course, it is not possible to eliminate the phenomenon completely, but the need to guarantee a more extensive protection will allow for the law to be enforced in the future. Past experiences of foreign countries confirm that such protection is possible and could “tighten” the Polish legal system. An opportunity to reinforce the law appeared as a draft act on sports events during preparations for EURO 2012, however, it was not completed. I believe that in terms of the coming sports events, taking a look at those ideas might be worth a lot.

References:

1. Z. Pinkalski, *Ambush marketing – charakterystyka i ocena prawna zjawiska w perspektywie Euro 2012*, „Przegląd Prawa Handlowego", 2011, p. 46.

2. J. Kończak, *Komunikacja sponsoringowa oraz ambush marketing podczas Euro 2016*, „Studia Medioznawcze", No. 3, 2016, p. 123.

3. A. Mikołajczyk, *Ambush Marketing na międzynarodowych imprezach sportowych*, „Studia Gdańskie" no. VI, 2009, p. 244.

4. M. Piątkowska, *Rozpoznawalność marek oficjalnych sponsorów i ambush marketing podczas XXII Zimowych Igrzysk Olimpijskich w Soczi*, „Modern Managment Review", no. XIX, 4/2014, p. 154.

5. www.ling.pl/slownik/angielsko-polski/ambush (access: 15.06.2018).

6. Z. Pinkalski, *Ambush marketing – charakterystyka i ocena prawna zjawiska w perspektywie Euro 2012*, „Przegląd Prawa Handlowego", 2011, p. 46.

7. Z. Pinkalski, *Ambush marketing – charakterystyka i ocena prawna zjawiska w perspektywie Euro 2012*, „Przegląd Prawa Handlowego", 2011, p. 46.

8. Z. Pinkalski, *Ambush marketing – charakterystyka i ocena prawna zjawiska w perspektywie Euro 2012*, „Przegląd Prawa Handlowego", 2011, p. 46.

9. Z. Pinkalski, *Ambush marketing – charakterystyka i ocena prawna zjawiska w perspektywie Euro 2012*, „Przegląd Prawa Handlowego", 2011, p. 46.

10. See J. Wyrwisz, *Marketing partyzancki – mocne i słabe strony w komunikacji marketingowej organizacji*, „Zeszyty Naukowe Uniwersytetu Szczecińskiego", no. 712, Szczecin 2012, p. 130; M. Fijałkowski, M. Kogut-Czarkowska, *Marketing podstępny, czyli zasadzka na kibica*, „Marketing w Praktyce", 2009 no. 7, p. 17; E. Baranowska-Prokop, *Ambush marketing – kontrowersyjne narzędzie kreowania wizerunku marki*, „Zeszyty Naukowe Uniwersytetu Szczecińskiego", no. 800, Szczecin 2014, p. 194.

11. Yes A. Mikołajczyk, *Ambush Marketing na międzynarodowych imprezach sportowych*, „Studia Gdańskie" no. VI, 2009, p. 244; A. Kolah, *Essential Law for Marketers*, London 2013, p. 388.

12. M. Datko, *Sponsoring. Klucz nowoczesnego marketingu*, Warszawa 2012, p. 475-476.

13. T. Sporek, *Sponsoring sportu w warunkach globalizacji. Dylematy i wyzwania*, Warszawa 2007, p. 176.

14. M. Fijałkowski, M. Kogut-Czarkowska, *Marketing podstępny, czyli zasadzka na kibica*, „Marketing w Praktyce", 2009 No. 7, p. 17-18.

15. M. Fijałkowski, M. Kogut-Czarkowska, *Marketing podstępny, czyli zasadzka na kibica*, „Marketing w Praktyce", 2009 No. 7, p. 18.

16. Act of 16 April 1993 on combating unfair competition (consolidated text in Journal of Laws 2018, item. 419).

17. Act of 4 February 1994 on copyright and related rights (consolidated text in Journal of Laws 2018, item. 1191).
18. Act of 30 June 2000 – industrial property law (consolidated text in Journal of Laws 2017, item. 7760.
19. The London Olympic Games and Paralympic Games (Advertising and Trading) (England) Regulations 2011 No. 2898, www.legislation.gov.uk/uksi/2011/2898/made [access: 15.06.2018].
20. M. Pleban, *Metody walki ze zjawiskiem marketingu podstępnego w polskim i europejskim prawie konkurencji,* [in:] *Wybrane zagadnienia prawa ochrony konkurencji oraz regulacji w sprawie ochrony praw konsumentów,* Warszawa 2013, p. 143.
21. Z. Krüger, *Prawo reklamy w sporcie profesjonalnym*, https://krugerlegal.com/pl/aktualnosci/prawo-reklamy-w-sporcie-profesjonalnym- (access: 15.06.2018).
22. P. Bielewicz, *Polskie zobowiązania i gwarancje na UEFA EURO 2012 w zakresie ochrony własności intelektualnej i zagadnień powiązanych*, „Forum Prawnicze", no. 2/2012, p. 82.
23. P. Bielewicz, *Polskie zobowiązania i gwarancje na UEFA EURO 2012 w zakresie ochrony własności intelektualnej i zagadnień powiązanych*, „Forum Prawnicze", no. 2/2012, p. 86-90.
24. D. Hasik, *Charakterystyka i ocena prawna praktyk ambush marketingowych w kontekście zbliżających się Euro 2012*, [in:] *Reklama. Aspekty prawne*, red. M. Namysłowska, Warszawa 2012, p. 644.
25. P. Bielewicz, *Polskie zobowiązania i gwarancje na UEFA EURO 2012 w zakresie ochrony własności intelektualnej i zagadnień powiązanych*, „Forum Prawnicze", no. 2/2012, p. 88.
26.Major Events Managment Act 2007, no. 35, www.legislation.govt.nz/act/public/2007/0035/50.0/DLM411987.html (access: 15.06.2018).
27. P. Bielewicz, *Polskie zobowiązania i gwarancje na UEFA EURO 2012 w zakresie ochrony własności intelektualnej i zagadnień powiązanych*, „Forum Prawnicze", no. 2/2012, p. 88.
28. UEFA EURO 2012 *Wytyczne Marketingowe, Polskie Miasta-Gospodarze*, 20 października 2010 r., www.um.warszawa.pl/sites/default/files/attach/aktualnosci/euro2012_wytyczne_marketingowe_miast_gospodarzy_pl.pdf (acess: 15.06.2018).
29.*Euro 2012. Imiona maskotek to Slavek i Slavko*, www.sport.pl/euro/1,154862,8766337,Euro_2012__Imiona_maskotek_to_Slavek_i_Slavko.html (access: 15.06.2018).
30. See I. Boardman, *Ambush marketing in the Olympic Games in Brazil*, www.ibanet.org/Article/Detail.aspx?ArticleUid=bae895cf-7a7d-48cc-8ebf-7d2c8b099b38 (access: 15.06.2018).
31. K. Jasińska, *Ocena przydatności przepisów mających na celu ochronę znaków towarowych w zwalczaniu zjawiska ambush marketing*, [in:] *Spory o własność intelektualną. Księga jubileuszowa*

dedykowana Profesorom Januszowi Barcie i Ryszardowi Markiewiczowi, red. A. Matlak, S. Stanisławska-Kloc, Warszawa, 2013, p. 388.
32. M. Pleban, *Metody walki ze zjawiskiem marketingu podstępnego w polskim i europejskim prawie konkurencji,* [in:] *Wybrane zagadnienia prawa ochrony konkurencji oraz regulacji w sprawie ochrony praw konsumentów,* Warszawa 2013, p. 145.
33. Z. Pinkalski, *Ambush marketing – charakterystyka i ocena prawna zjawiska w perspektywie Euro 2012*, „Przegląd Prawa Handlowego", 2011, p. 49.
34. E. Traple, *Użycie cudzego znaku towarowego nie w charakterze znaku towarowego*, „Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace z Wynalazczości i Ochrony Własności Intelektualnej", no. 100/2007, p. 565.
35. Judgement of the Court of Appeal in Lodz of 13 November 2014, I ACa 709/14 Legalis no. 1163472.
36. Z. Pinkalski, *Ambush marketing – charakterystyka i ocena prawna zjawiska w perspektywie Euro 2012*, „Przegląd Prawa Handlowego", 2011, p. 49.
37. Act of 23 April 1964 – Civil Code (consolidated text in Journal of Laws 2018, item 1025).
38. *Euro 2012: wybrano imiona maskotek*, www.eurosport.onet.pl/pilka-nozna/euro-2012-wybrano-imiona-maskotek/8ft5r [access: 15.06.2018].
39. D. Hasik, *Charakterystyka i ocena prawna praktyk ambush marketingowych w kontekście zbliżających się Euro 2012*, [in:] *Reklama. Aspekty prawne*, red. M. Namysłowska, Warszawa 2012, p. 655.
40. Z. Pinkalski, *Ambush marketing – charakterystyka i ocena prawna zjawiska w perspektywie Euro 2012*, „Przegląd Prawa Handlowego", 2011, p. 48.
41. M. Pleban, *Metody walki ze zjawiskiem marketingu podstępnego w polskim i europejskim prawie konkurencji,* [in:] *Wybrane zagadnienia prawa ochrony konkurencji oraz regulacji w sprawie ochrony praw konsumentów,* Warszawa 2013, p. 146.
42. M. Pleban, *Metody walki ze zjawiskiem marketingu podstępnego w polskim i europejskim prawie konkurencji,* [in:] *Wybrane zagadnienia prawa ochrony konkurencji oraz regulacji w sprawie ochrony praw konsumentów,* Warszawa 2013, p. 146.
43. J. Szwaja, K. Jasińska, [in:] *Ustawa o zwalczaniu nieuczciwej konkurencji. Komentarz*, red. J. Szwaja, Warszawa 2016, p. 134.
44. Z. Pinkalski, *Ambush marketing – charakterystyka i ocena prawna zjawiska w perspektywie Euro 2012*, „Przegląd Prawa Handlowego", 2011, p. 49.
45. M. Zdyb, [in:] *Ustawa o zwalczaniu nieuczciwej konkurencji. Komentarz*, red. M. Zdyb, M. Sieradzka, Warszawa 2011, p. 96.

46. D. Hasik, *Charakterystyka i ocena prawna praktyk ambush marketingowych w kontekście zbliżających się Euro 2012*, [in:] *Reklama. Aspekty prawne*, red. M. Namysłowska, Warszawa 2012, p. 658-659.

47. M. Kępiński, [in:] *Ustawa o zwalczaniu nieuczciwej konkurencji. Komentarz*, red. J. Szwaja, Warszawa 2016, p. 263.

48. D. Hasik, *Charakterystyka i ocena prawna praktyk ambush marketingowych w kontekście zbliżających się Euro 2012*, [in:] *Reklama. Aspekty prawne*, red. M. Namysłowska, Warszawa 2012, p. 660.

49. Judgement of the Court of Appeal in Lodz of 6 February 2013, I ACa 1082/12 Legalis no. 734358.

50. D. Hasik, *Charakterystyka i ocena prawna praktyk ambush marketingowych w kontekście zbliżających się Euro 2012*, [in:] *Reklama. Aspekty prawne*, red. M. Namysłowska, Warszawa 2012, p. 660.

51. Judgement of the Supreme Court of 9 October 2014, IV CSK 56/14 Legalis no. 1086893.

52. Judgement of the Supreme Court of 25 May 2012, I CSK 498/11 Legalis no. 511970.

53. P. Ślęzak, Reklama jako czyn nieuczciwej konkurencji, Katowice 2011, p. 49.

54. See A. Wach, *Prawna ochrona własności intelektualnej w związku z UEFA EURO 2012 ze szczególnym uwzględnieniem zjawiska ambush marketing*, [in:] *Oblicza prawa cywilnego. Księga Jubileuszowa dedykowana Profesorowi Janowi Błeszyńskiemu*, red. K. Szczepanowska-Kozłowska, Warszawa 2013, p. 576-582.