



RUGBY WORLD CUP 2011 IN NEW ZEALAND

A Guide to the Major Events Management Act 2007

This Guide is intended to provide general guidance on the Major Events Management Act 2007 and how it contains certain protections for Rugby World Cup 2011 (RWC 2011), to prevent unauthorised commercial exploitation and to ensure the smooth running of RWC 2011.

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Please check the Ministry of Economic Development's website at www.med.govt.nz for the latest version of this Guide.

Ministry of Economic
Development



Manatū Ōhanga

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IMPORTANT - GENERAL INFORMATION ONLY

This Guide provides general information and guidance on the Major Events Management Act 2007 (MEMA) and is intended to provide an overview of the purpose of the MEMA. Examples are given for illustrative purposes only and do not indicate that an activity definitely will, or definitely will not, breach the MEMA. This will depend on the individual circumstances in each case, and the ultimate interpretation of the MEMA will be determined by the courts of New Zealand. It is the responsibility of businesses to set their own policies. If you have any concerns about the application of the MEMA in a particular situation, please seek legal advice.

FURTHER INFORMATION ON THE MAJOR EVENTS MANAGEMENT ACT

Free copies of the Major Event Management Act and its associated Orders are available online at www.legislation.govt.nz:

Major Events Management Act 2007

Major Events Management (Rugby World Cup 2011) Order 2007

Major Event Emblems and Words (Rugby World Cup 2011) Order 2008

Section 1

Introduction and Purpose of this Guide

RUGBY WORLD CUP 2011

Rugby World Cup is global Rugby's showpiece tournament, and one of the top three sporting events in the world. It is set to be the biggest sporting occasion in the world in 2011, when Rugby World Cup 2011 (RWC 2011) will be staged across 13 venues around New Zealand over a six week period. With a projected global television audience of over 4 billion spectators and more than 60,000 visitors anticipated to travel to New Zealand, RWC 2011 is expected to be the biggest event ever staged in New Zealand.

In order to secure the hosting rights to global sporting events on the scale of RWC 2011, countries must be able to demonstrate their ability to run an event efficiently and without disruption, and to protect the rights of official sponsors of the event. These capabilities are both critical to the successful delivery of major events. To ensure that New Zealand could fulfil these requirements, the New Zealand Government passed the Major Events Management Act in 2007.

ROLE OF RWC 2011'S OFFICIAL SPONSORS

Staging a Rugby World Cup is a massive undertaking that requires significant financial backing. The successful staging of RWC 2011 and the future growth and development of the sport of Rugby Union is dependent on the investment which Rugby World Cup Limited (RWCL, the owner of RWC 2011) receives from its official sponsors (including official suppliers, licensees, broadcasters, travel and hospitality agents). The protection of the rights granted to the entities involved in the official commercial programme is required to ensure the ongoing success and viability of Rugby World Cup and the sport of Rugby Union as a whole, since all profit earned by RWCL from the tournament is reinvested in the development of the game on a global basis. Please see the Annex for more information on RWC 2011's official sponsors.

In return for the significant financial contribution that is made by official sponsors, they are granted certain exclusive rights to associate themselves with RWC 2011 (including the rights to use the official RWC 2011 emblems and words). These rights are worth little unless the official sponsors' exclusive rights of association are protected. The ability to protect these rights is strongly linked to New Zealand's ability to stage a successful tournament.

The Major Events Management Act 2007 (MEMA) protects the rights of official sponsors to benefit from their investment in RWC 2011. It does this by preventing parties that are not official sponsors from advertising, or otherwise promoting their goods or services, in a manner that suggests they are official sponsors or somehow associated with RWC 2011. This has some important implications for the New Zealand business community, particularly around the use of protected RWC 2011 emblems and words.

New Zealanders and New Zealand businesses will have many opportunities to be part of RWC 2011 celebrations. However, they will need to be mindful of the MEMA and what it means for business activities (such as advertising and promotions) that may create an association with RWC 2011.

WHAT IS THE MAJOR EVENTS MANAGEMENT ACT 2007?

The MEMA provides a number of protections for the owners and sponsors of events that are declared 'major events' by the New Zealand Government.

To date, five events have been declared 'major events' under the MEMA. These are:

- FIFA Under-17 Women's World Cup 2007
- FIBA Under-19 Men's Basketball World Championships 2009
- World Rowing Championships 2010
- Under-19 Cricket World Cup 2010
- RWC 2011

When events are declared 'major events', legal protections are put in place to prevent unauthorised commercial exploitation at the expense of an event organiser or its official sponsors.

RWC 2011 was declared a major event in September 2007, meaning it is protected by the provisions of the MEMA. These protect RWCL and the official sponsors of RWC 2011 by prohibiting the following unauthorised commercial associations:

- representations that suggest individuals, businesses, brands, goods or services have an association with RWC 2011 when they do not;
- advertising and promotional activity that intrudes on RWC 2011 activities and/or the attention of the associated audience; and
- activities that might compromise the smooth running of RWC 2011, such as ticket scalping and pitch invasion.

Further information on the MEMA's application to unauthorised commercial associations which take place at or around the commencement of RWC 2011 will be provided in future amendments to this Guide.

Section 2

Creating an Association with RWC 2011

The MEMA gives RWCL the exclusive right to grant its official sponsors and licensees permission to create an association with RWC 2011.

A number of RWC 2011 emblems and words have been declared 'major event emblems and words' under the MEMA. As a general rule, only RWCL can use, or authorise the use of, protected RWC 2011 emblems and words (and confusingly similar variations of those emblems and words) for advertising or promotions, or in connection with goods or services.

Several exemptions to this general rule exist, including where an association with RWC 2011 is made for the purposes of reporting news and information. A full list of these exemptions are set out on page 6.

Whether or not an association with RWC 2011 has been made will depend on the overall suggestion created by the particular advertisement or other representation. It therefore should not be assumed that a representation is 'safe' simply because a protected emblem or word is not used.

The question to be asked in each case is:

"Would this particular representation suggest to a reasonable person an association with RWC 2011?"

PROTECTED RWC 2011 EMBLEMS AND WORDS

A list of the specific RWC 2011 emblems and words that have been declared 'major event emblems and words' is contained in the Major Event Emblems and Words (Rugby World Cup 2011) Order 2008.

Some of the key RWC 2011 emblems and words that are protected under the MEMA are set out below and on page 5.

Key RWC 2011 Words

- Rugby World Cup
- World Cup 2011
- RWC
- World in Union
- Rugby New Zealand 2011
- Total Rugby
- Webb Ellis Cup
- IRB

Key RWC 2011 emblems



EXEMPTIONS FROM THE PROHIBITION ON UNAUTHORISED ASSOCIATION

There are five instances where the restrictions within the MEMA do not apply:

- Where a representation has the written authorisation of RWCL.
- Where a representation is of personal opinion and is made for no commercial gain.
- Where a protected RWC 2011 emblem or word makes up part, or all, of the proper name of:
 - a town, road, or place in New Zealand,
 - the legal or trade name of the person making the representation (unless used to defeat the intention of the MEMA),
 - or is an existing registered trade mark.
- Where a representation is necessary to indicate the intended purpose of a good or service, or is made by an existing organisation that is continuing to carry out its ordinary activities. This must be in accordance with honest practices in industrial or commercial matters.
- Where a representation is made for the purposes of reporting news, information, criticism, or a review in a newspaper, magazine, or by means of television, radio, film, or the Internet.

This exemption does not, however, extend to situations where a representation suggests to a reasonable person that there is an association between news, information, criticism, or a review about RWC 2011 and goods and services, brands of goods and services, or a person who provides goods and services.

Section 3

Practical Examples of the MEMA in Use

This section contains examples of legitimate representations that are permitted under the MEMA. It also contains some examples that create an unauthorised association with RWC 2011, which the MEMA prohibits.

As it is not possible to address every situation in this Guide, these examples are intended to provide general guidance only. If you have any concerns about the application of the MEMA in a particular situation, please seek legal advice.

ADVERTISING AND PROMOTION

General Advertising

A magazine advertisement that uses general terms and/or images which are not declared 'major event emblems' or 'major event words', and which does not suggest an association with RWC 2011, is not in breach of the MEMA.



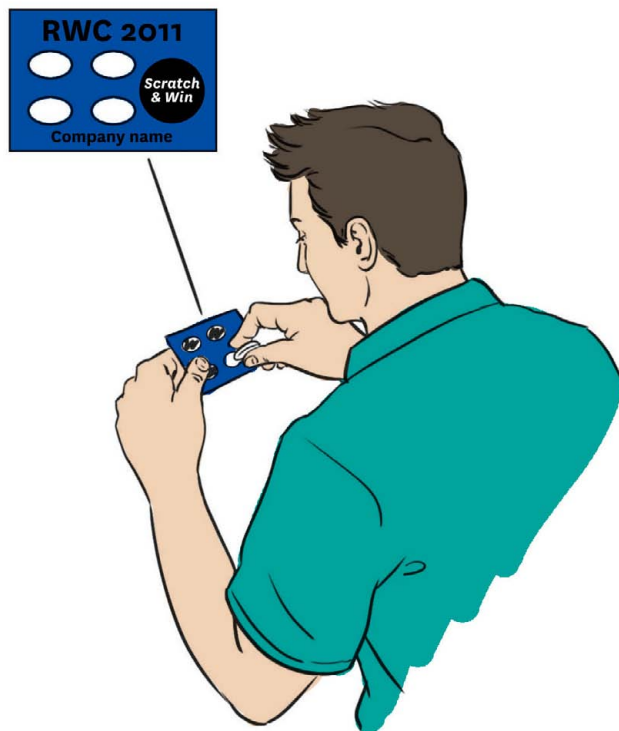
However, a magazine advertisement that uses the protected words 'Rugby World Cup' may be in breach of the MEMA. Generally speaking these words can only be used with the written authorisation of the event owner, RWCL.



The MEMA prohibits RWC 2011 tickets being offered as prizes in fundraising activities, competitions, and other promotional activities without the authorisation of RWCL.



The same rules also apply to scratch-and-win games, or any other form of lottery that creates an unauthorised association with RWC 2011.



Editorial Use

The MEMA does not limit or prevent legitimate editorial use of protected RWC 2011 emblems and words. This means, for example, that newspapers or radio bulletins may use images and protected words for the purposes of reporting the news.

Media Guidelines are available at www.nz2011services.com.



However, the MEMA does prohibit 'advertorials' - where advertisements are presented in the manner of editorials, but suggest a commercial relationship between RWC 2011 and a business or individual that is not authorised to use a protected RWC 2011 emblem or word.

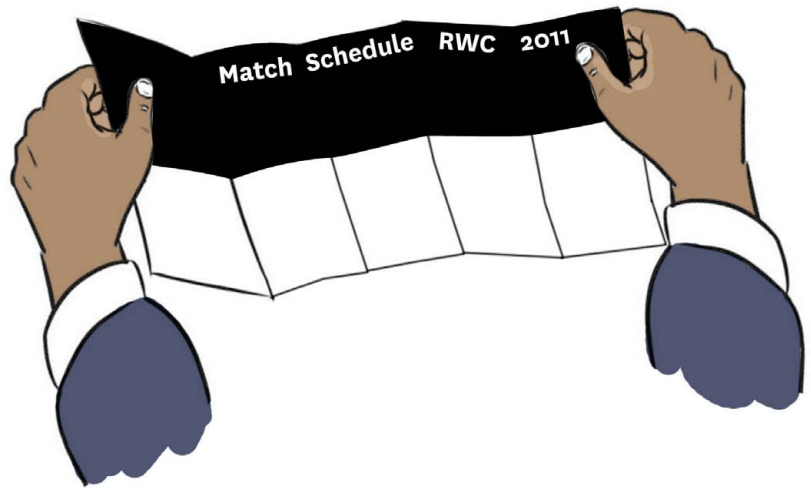
Advertorials are treated in the same manner as the general advertising examples above.



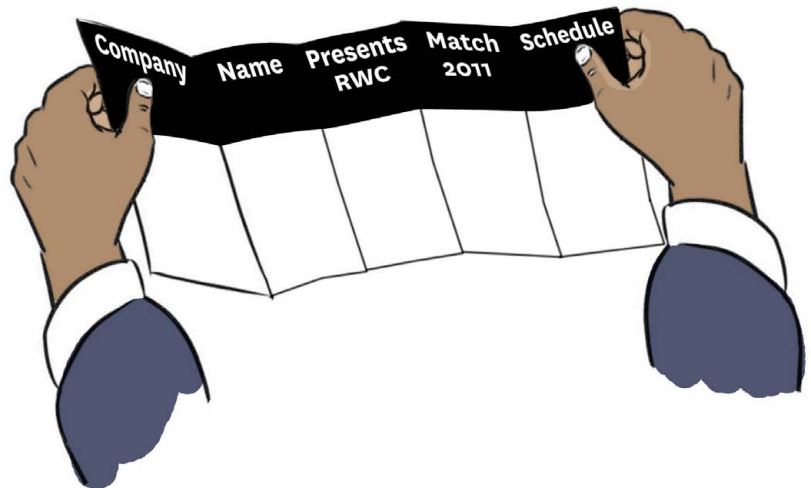
Match Schedules

Match schedules are popular items that are regularly produced in conjunction with major sporting events. RWCL permits the use of match schedules for information purposes, provided that they are not presented or distributed in a way that creates an unauthorised association with RWC 2011.

Match schedules that are not 'advertorial' and simply list match times and locations will comply with the MEMA. The example on the right is permitted under the MEMA as it doesn't create an association between a business and RWC 2011.

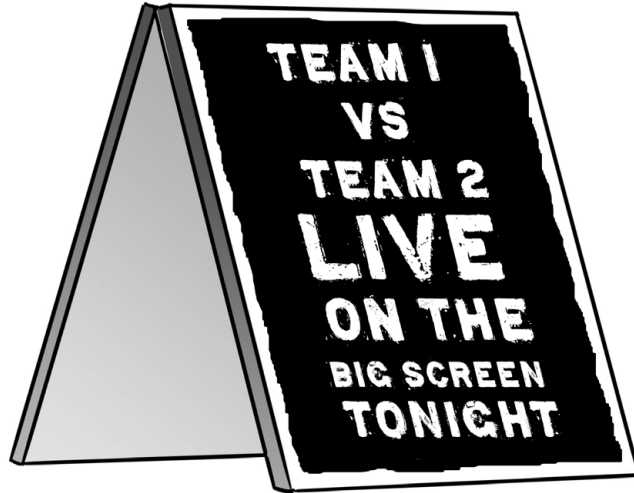


The previous example, however, would be in breach of the MEMA because the branding of the schedule creates an association between the business ('Company Name') and RWC 2011.



BARS AND RESTAURANTS

The MEMA does not prevent bars or restaurants from alerting the public that a Rugby match will be televised in premises at a certain time, provided that an unauthorised association with RWC 2011 is not created.



Bars and restaurants may fall foul of the MEMA, however, if they create the suggestion that they are associated with RWC 2011 when they are not. This may result from using words like 'presented by' and branding in connection with advertising or promotional materials. This applies even when words like 'unofficial' are used in the manner of a disclaimer.



TOURS AND ACCOMMODATION

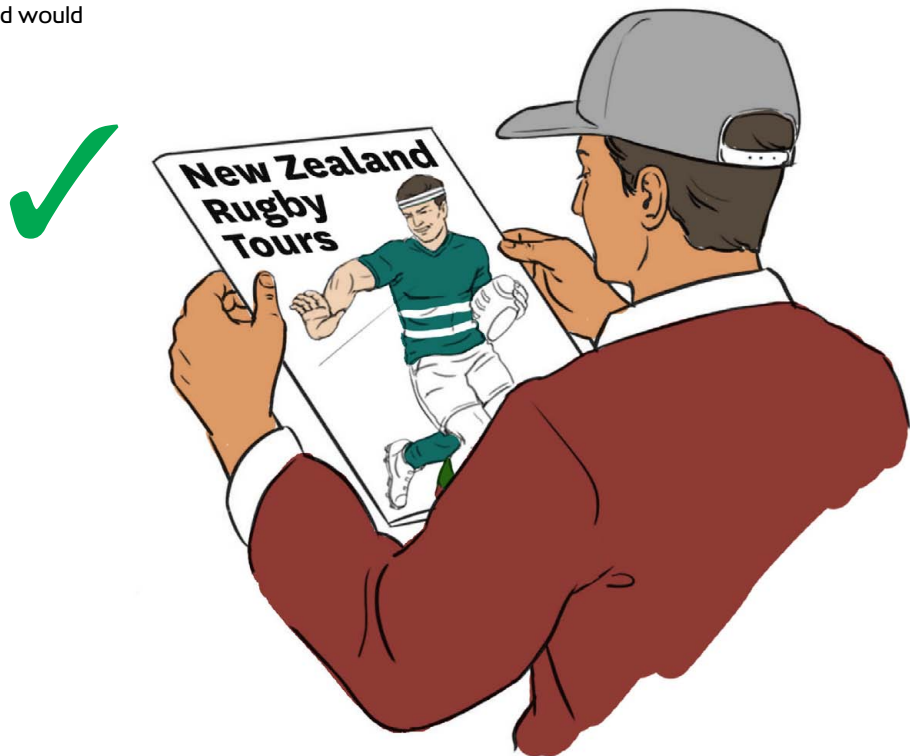
It has been well-documented that opportunities will exist for New Zealand households to rent out their houses, baches and apartments to visiting Rugby fans during the tournament.

However, New Zealanders will need to be mindful when advertising accommodation, tours, or sightseeing packages that they do not suggest an unauthorised association with RWC 2011.

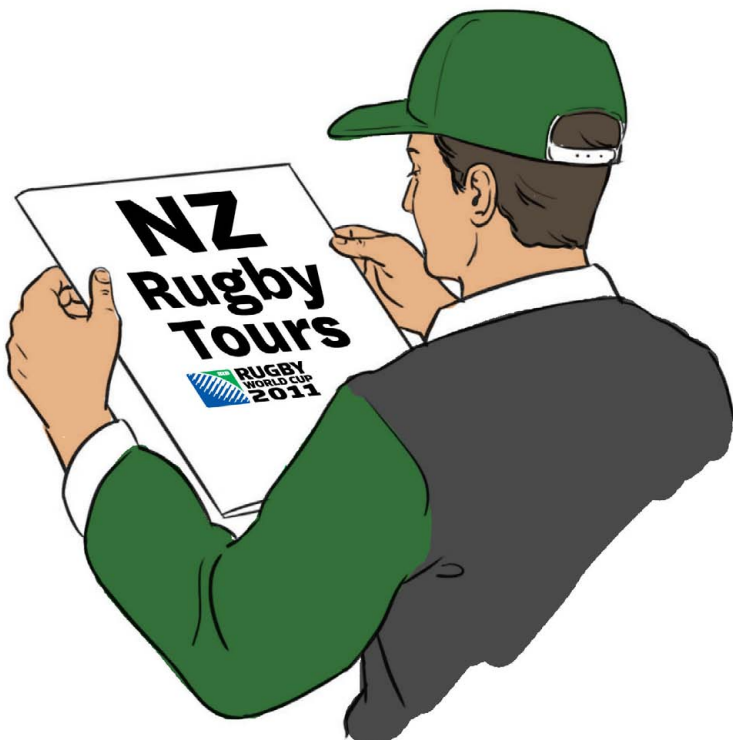
The sale of official RWC 2011 travel and hospitality packages has already commenced. In order to avoid confusion with the official programme, advertisements must not use any of the protected RWC 2011 words or emblems.

Printed advertising

The following example is advertising Rugby tours in New Zealand, and would be permitted under the MEMA.



On the other hand, the following examples would not be acceptable as they include the protected words 'Rugby World Cup' and a protected RWC 2011 emblem.



Websites

Care should be taken when selecting and registering Internet domain names for websites, as the same set of rules apply as for other forms of advertising.

Websites offering accommodation, for example, must not use protected RWC 2011 emblems or words in the domain name.



Similarly, website content must not use protected RWC 2011 emblems or words, unless that content falls under one of the exemptions listed in section 2 - such as for reporting of news and information about RWC 2011.



MERCHANDISE

RWC 2011 operates an official licensing programme, and many licences have already been issued to New Zealand business. These licences cover many different categories, from apparel to stamps.

Businesses which do not have a licence to produce official RWC 2011 merchandise cannot produce anything that contains protected RWC 2011 emblems or words.

Merchandise that does not use any protected RWC 2011 emblems or words and does not create an association with RWC 2011 will not breach the MEMA.



However, merchandise that uses protected emblems or words will breach the MEMA.



SHOP DISPLAYS AND 'WINDOW DRESSING'

The MEMA does not prohibit businesses from showing their support for RWC 2011, for example by dressing their shop frontage. However, care must be taken not to create an unauthorised association with RWC 2011.

A window display that does not use protected RWC 2011 words and emblems, and does not otherwise create the suggestion of an association with RWC 2011, will be permitted under the MEMA.



Section 4

Clean Zones and Clean Transport Routes

The MEMA provides for the Minister for Economic Development to declare “clean zones” around major event venues (e.g. stadia), and “clean transport routes” leading to those venues (motorways, state highways and railway lines). The MEMA also contains restrictions on unauthorised advertising and street trading that apply in and around these areas.

These restrictions only apply during declared “clean periods”, which are specified periods before, during and after major event activity. During these periods, street trading and advertising is prohibited in clean zones and clean transport routes. There are several exceptions to this, however. For example, the MEMA does not restrict advertising by an existing organisation which is honestly carrying out its ordinary activities.

Clean zones and clean transport routes have not yet been declared for RWC 2011. Clean zones and transport routes will be publicised when declarations are made, together with further guidance on the restrictions that will apply in those areas.

Section 5

RWC 2011 Ticket Sales and Scalping

Under the MEMA, reselling or trading a ticket to a RWC 2011 match for a value greater than its original sale price is an offence, punishable by a serious fine.

It is also important to note that only tickets purchased from official RWC 2011 ticket sources will enable entry to match venues. Supporters obtaining tickets from unofficial sources run the risk of having those tickets cancelled, being refused entry or being evicted from a venue.

There are three official ticket sources:

1. Tickets can be purchased from Rugby New Zealand 2011 Ltd via the official website at www.rugbyworldcup.com/tickets or via the application form available online or in the Official Ticket Guide.
2. Official Travel Packages (including match tickets) can be purchased from one of the "Official Travel Agents" appointed by RWCL. A list of the appointed agents can be found at www.rth2011.com.
3. Official Hospitality Packages (including match tickets) can be purchased from one of the "Official Corporate Hospitality Agents" appointed by RWCL. A list of the appointed agents can also be found at www.rth2011.com.

The appointed Official Travel Agents and Official Corporate Hospitality Agents are the only entities officially entitled to provide packages of tickets combined with travel or hospitality to RWC 2011. Supporters obtaining packages from unofficial sources should be aware that they run the risk of having their tickets cancelled, being refused entry or being evicted from a venue.

Additional guidance on ticketing is available at www.rugbyworldcup.com/tickets.

Section 6

Benefiting from RWC 2011

Individuals and organisations do not necessarily need to be an official sponsor of RWC 2011 in order to benefit from it. There are many different ways to get involved in RWC 2011, from becoming an official sponsor to benefiting from the tourism activity that RWC 2011 will bring.

Businesses can benefit from RWC 2011 in many ways without using RWC 2011 emblems and words or by suggesting an association with RWC 2011 when no such association exists.

Examples of benefits and opportunities that exist to relation to RWC 2011 are given below. For details of the organisations mentioned below, see section 7.

Sponsorship

The necessary investment to become a Worldwide Partner means that these opportunities will usually appeal to large-scale global companies, but there may be other sponsorship opportunities available. If you are interested in becoming an official sponsor of RWC 2011, please contact IMG, exclusive commercial broker of RWCL.

Service Provider

The infrastructure required to stage RWC 2011 is vast and varied, and will include upgrading permanent stadia and transport networks, and setting up and servicing temporary facilities such as hospitality areas and Fan Zones.

New Zealand Trade and Enterprise is working with regional and national partners involved in RWC 2011 to provide an online tendering system – see www.tenderlink.com/businessopportunities2011 for further information.

Opportunities will include:

- Service provider for stadium and general infrastructure requirements
- Service provider to events, functions and activities staged by RWCL and/or Rugby New Zealand 2011 Limited in relation to RWC 2011
- Rugby Travel and Hospitality NZ Limited have been appointed to manage the Official Travel and Hospitality programmes for RWC 2011. The Official Travel Agents and Official Hospitality Agents have now been appointed, but there may be an opportunity to become a sub-agent. See www.rth2011.com for further information.
- Service provider to events staged by host cities and regions
- Service provider for events and other promotional activities by official sponsors

Product Licence

Buy a product licence for the production of official licensed products. Licensing In Motion (LIM) have been granted the master licensing rights in New Zealand (among other territories), and will be granting licences to produce official RWC 2011 merchandise in many product categories.

General Rugby Promotions

Conduct general Rugby promotions without reference or an implied association to RWC 2011.

General Economic Benefits

Benefit from RWC 2011 in general:

- Increased retail sales from increased tourism
- Increased trade from the higher national profile
- Increased productivity from the increased stock of infrastructure

Section 7

Contact Information

MINISTRY OF ECONOMIC DEVELOPMENT,

the government department responsible for administration of the MEMA:

PO Box 1473
Wellington 6140
New Zealand

www.med.govt.nz
Email: mema@med.govt.nz
Phone: +64 (0)4 472 0030

RUGBY WORLD CUP LIMITED, *the owner of RWC 2011:*

PO Box 1178
Wellington 6140
New Zealand

www.rugbyworldcup.com
Email: mema@rugbyworldcup.com
Phone: +64 (0)4 816 1255

RUGBY NEW ZEALAND 2011 LIMITED, *the organiser of RWC 2011:*

PO Box 1178
Wellington 6140
New Zealand

www.rugbyworldcup.com
Email: info@rugbynz2011.com
Phone: +64 (0)4 816 1200

IMG, *Rugby World Cup Limited's commercial manager and broker:*

c/o International Management Group (NZ)
Limited
PO Box 9974
Auckland 1023
New Zealand

www.imgworld.com
Email: rwinfo@imgworld.com
Phone: + 64 (0)9 968 5775

LICENSING IN MOTION (NZ) LIMITED, *the holder of master licensing rights for RWC 2011:*

PO Box 1710
Auckland Central
New Zealand

www.velocitybrandmanagement.com
Email: rfp2011@velocitybrandmanagement.com
Phone: +64 (0)9 303 1862

RUGBY TRAVEL AND HOSPITALITY (NZ) LIMITED, *the manager of official travel and hospitality programmes for RWC 2011:*

PO Box 9554
Newmarket
New Zealand

www.rth2011.com
Email: enquiries@rth2011.com
Phone: +64 (0)9 529 7470

Annex

Official Sponsors

As at the date of this publication, RWCL has appointed the following official sponsors for RWC 2011:

Worldwide Partners



Tournament Suppliers



GILBERT RUSSELL McVEAGH

Official Licensees

Contact LIM for details.

Broadcasters

Contact IMG for details.

Official Travel Agents and Official Hospitality Agents

See www.rth2011.com for details.