

Ambush marketing and the Fifa 2010 Soccer World Cup

Meanwhile attorneys, Legal Aid South Africa and the Justice Department join forces to help maintain law and order during the event

Ambush marketing is a fact of modern commercial life and an increasingly ubiquitous feature of the international sporting tournaments that are an important part of that life.

The matter is discussed in a feature article in this issue of *De Rebus* specifically in relation to the Fifa 2010 Soccer World Cup, which takes place here this month and next.

The article points out that ambush marketing takes two main forms – by association and by intrusion. The author, well-known intellectual property attorney Dr Owen Dean, reminds us that he first coined the phrase ‘ambush marketing by intrusion’ ten years ago in his article ‘Ambush Marketing’ in 2000 (June) *DR* 24. Thus, he believes, *De Rebus* was the first legal publication to use that term anywhere in the world. The term has now been taken up internationally and has become a term of the art, firmly established in legal language. (See also ‘Ambush Marketing and Protected Events’ by the same author in 2003 (Nov) *DR* 20.)

In his article in this issue Dr Dean gives examples of ambush marketing that have already occurred in the run-up to the World Cup. But not only our rigorous intellectual property laws and their enforcement will be on show during the World Cup.

Also on show will be South Africa’s ability, as host nation to the first Soccer World Cup on African soil, to maintain law and order during the event. It owes this to the world but also to itself, as a would-be tourist destination and given the concentrated international media focus that is certain to accompany the event.

The role of the security forces in maintaining law and order is obviously crucial and has been discussed at great length in the public media. Another aspect of law and order that has perhaps enjoyed less attention, is the speedy and efficient resolution of criminal cases arising from the World Cup and involving foreign spectators, whether as accused or as witnesses.

The legal system – including the Constitution’s provisions relating to fair and timely trials and the court system itself – will also be on show to the world. As we reported in 2010 (April) *DR* 11, the Department of Justice and Constitutional Development has made special day/night courts available at World Cup match venues across the country.

Attorneys also have an important part to play here. Legal Aid South Africa (Lasa) has approached the profession, via the Law Society of South Africa and the provincial law societies, to give content to the right to representation by having members available on short notice to represent accused persons, at a fee, in these special courts. As we report on 8 of this issue, a number of attorneys have already made themselves available and we have no doubt that many more will do so by the Lasa deadline for inclusion in the lists.