

Company Name

Address

## **FIFA Confederations Cup 2013 & 2014 FIFA World Cup Brazil™**

Dear Sir/Madam,

The Fédération Internationale de Football Association (FIFA) is the world governing body of football and the organizer of the FIFA World Cup™. The FIFA Confederations Cup 2013 and the 2014 FIFA World Cup Brazil™ (the "Tournaments") will take place in Brazil, and as a high-profile company and perhaps an official sponsor of a sporting event, team or athlete, we trust that we can rely on your support to respect FIFA's marketing rights in its Tournaments, and avoid any activity that could be considered 'ambush marketing'.

As you know, the Tournaments are private events and are costly undertakings. In order to raise sufficient funds to stage these events, FIFA has so far appointed 6 global companies as FIFA Partners, 8 global companies as FIFA World Cup™ Sponsors and 5 local companies as National Supporters of the Tournaments (together the "Commercial Affiliates"). The successful hosting and staging of FIFA's events, in particular the FIFA World Cup™, is only made possible by the significant level of investment of these companies.

In consideration for their valuable contributions to the Tournaments, these companies are granted the right of association with the Tournaments, particularly including the use of the tournament marks. If this right is not respected, the value of their sponsorship will be undermined and there is a risk that future tournaments will fail to attract sponsorship. This in turn jeopardizes our ability to organise these events and our other football programs at all levels, thereby disappointing fans and participants all over the world.

In order to protect the marketing rights for the Tournaments and safeguard our ability to attract sponsorship, the tournament marks and logos have been registered and are protected under laws of intellectual property around the world including, but not limited to, trademark registrations, copyright and laws preventing unfair competition (passing off). Furthermore, the Tournaments benefit from a wider scope of protection in Brazil under national laws allowing for the characterization of FIFA's trademarks as highly renowned. The specific FIFA World Cup™ legislation<sup>1</sup> also establishes that any and all ambush marketing in relation to the Tournaments is both a civil and a criminal offence.

FIFA's Commercial Affiliates have the sole and exclusive right to use any of the following marks relating to the Tournaments:

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<sup>1</sup> Brazilian Law no. 12.663/2012.

**Official Emblem****FIFA World Cup Trophy****Official Mascot****Official Emblem**

In addition to the above artistic works, FIFA owns a wide range of word marks, including but not limited to:

FIFA  
COPA DO MUNDO  
ALL IN ONE RHYTHM  
COPA 2014  
FIFA WORLD CUP  
[HOST CITY] 2014  
BRASIL 2014

Any unauthorised use of the above marks, or any other marks relating to FIFA or the Tournaments, whether on-site or off-site, may constitute actionable trademark infringement and/or unjust enrichment and/or passing off/unfair competition and/or a breach of laws protecting the Tournaments. FIFA is entitled to obtain an injunction from the court preventing any violation of its rights together with compensation for its legal costs and an award of damages.

The Tournaments are sporting events of such magnitude that it is inevitable that certain companies will attempt to engage in activities to try to take advantage of the marketing opportunities which arise in connection with it. Nevertheless, FIFA has the sole and exclusive right to appoint companies to associate themselves with the Tournaments and/or with FIFA.

We of course recognise that '*Company Name*' may not have any intention of conducting promotional activities which take advantage of the goodwill surrounding the Tournaments or FIFA. Nevertheless, we wish to advise you of the following important points:

- Companies which are not Commercial Affiliates should not engage in advertising activities that might give rise to an undue commercial association with the Tournaments. Such commercial association can be established when a company makes it appear as if there is a connection to the event, either through use of the official marks, sponsorship or other affiliation.
- Other marketing activities may refrain from using the tournament marks and do not pretend any direct connection with the event, but are still illicit. If a campaign is orchestrated in such a way (through use of other imagery and/or textual references) that the consumer's attention or subconscious consideration is drawn to the company's brand and the Tournaments at the same time, allowing for intangible brand value transfer to take place, then the marketing activity has succeeded in a valuable exercise of brand promotion and enhancement. This is unfair and is damaging to the Tournaments and its organizer. We therefore kindly ask companies which are

not Commercial Affiliates to respect the tournaments' marketing rights by not engaging in promotional campaigns that are deliberately designed to exploit the value of such intangible association with the Tournaments in the mind of consumers.

- Illicit marketing activities may also involve a physical presence at or around the tournament venues. Such promotions often include the distribution of branded fan gifts such as hats or flags to fans outside the stadia or on their way to the stadia for a tournament match. Attempts to gain physical presence can also involve decorating commercial establishments around the stadia or placing prominent branding on buildings that are visible from these locations. In cooperation with local authorities, FIFA operates a vigilant and experienced brand protection program and will be monitoring the market and operating brand protection patrol teams during the Tournaments to ensure that all relevant regulations will be adhered to.
- Any distribution of branded fan gifts outside the stadia or on the way to the Tournaments (in public or in private, such as in a local bar), or to hospitality guests, will be considered a deliberate act of "ambush marketing" and is both a civil as well as a criminal offence under applicable anti-ambush marketing legislation in Brazil. In addition, such acts will clearly be damaging to the relationship between FIFA and its Commercial Affiliates for the Tournaments and to the long term viability of FIFA's other tournaments.
- Furthermore, fans are forbidden from bringing any such branded fan gifts into the stadia under the General Terms and Conditions of Tournament tickets. All stewards at the stadia gates will be trained to refuse entry to fans unless and until they voluntarily dispose of all branded fan gifts in the rubbish bins that will be provided at all stadia gates. We know from experience that this is distressing to the fans and often causes delays. This causes heated tempers at the gates which can result in serious problems to the safety and security of the fans.
- Any upset or distress caused to the fans by this process will be the responsibility of the company who distributed the branded fan gifts, as will any delays or security issues caused by fans reluctant to dispose of their branded fan gifts at the gates. We therefore kindly ask all companies to avoid playing on the fans' enthusiasm to wear fancy dress and exploiting such enthusiasm for their own commercial advantage.
- The applicable regulations specifically prohibit anyone involved in the Tournaments (including players and coaches etc) ("Team Delegation Member") to engage in any ambush marketing activities in relation to the Tournaments and in particular inside the stadia. Both the Participating Member Association and the individual Team Delegation Member may face sanctions imposed by the FIFA Disciplinary Committee if this prohibition is not respected. We therefore ask all companies to observe these regulations and not orchestrate any promotional activities involving any of the Team Delegation Members which might jeopardise their positions.
- The giving away of match tickets for the Tournaments in consumer prize draws or competitions is also an illicit marketing activity. The right to use match tickets in consumer promotions is strictly reserved for Commercial Affiliates. Tickets used in such promotions will be void. FIFA reserves the right to refuse entry to any such ticket holders, regardless of the source of the tickets used in the promotions.
- Match tickets for the Tournaments may only be purchased through FIFA or officially authorised agents of FIFA. Any match ticket obtained from any other source (for example, unauthorised

intermediaries such as ticket brokers, internet ticket agents, etc.) will be rendered invalid and all rights of entry into the Stadium will be nullified and cancelled. Any person seeking to use a match ticket obtained through unauthorised sources will be refused entry into the Stadium.

- The cancellation of a match ticket and subsequent refusal of entry is a cause of great disappointment among fans. To avoid any such issues companies must utilize the official sales channels of match tickets and comply with the General Terms and Conditions of tournament tickets that include restrictions on the use of match tickets for promotional activities. For more information on the purchase of official hospitality packages, please refer to [www.fifa.com/hospitality](http://www.fifa.com/hospitality).

We would hope that '*Company Name*' as a well-known and reputable company would not intentionally seek to undermine the activities of FIFA or gain an unauthorised association with the Tournaments. We nevertheless request that '*Company Name*' respects the rights of FIFA, its Commercial Affiliates and avoids any promotional activity which takes undue advantage of the commercial goodwill of the Tournaments.

Please take note of the content of this letter and we hope that it is sufficient to avoid any problems of an ambush marketing nature from arising in connection with the activities of '*Company Name*'. Our experience shows that the global management of major companies often has no intention to engage in prohibited marketing activities, but that problems may arise from activities that are organized at a local level. We therefore strongly suggest that you share this letter with your regional and local offices to ensure awareness across the board.

For information on what activities and use of FIFA marks are permitted please refer to the guidance we will continue to publish at <http://www.fifa.com/brandprotection>.

Should you have any questions with regard to the foregoing, please do not hesitate to contact us.

Yours sincerely,

FÉDÉRATION INTERNATIONALE  
DE FOOTBALL ASSOCIATION