

**NEW ZEALAND**  
MAJOR EVENTS

# A Guide to the Major Events Management Act 2007

This Guide provides general information and guidance on the Major Events Management Act 2007 (the MEMA). It looks at the practical application of the MEMA through examples illustrating what's permitted and what's not under the MEMA.

*This Guide provides general information and guidance only, and it should not be substituted for legal advice or for the wording of the MEMA. The Ministry of Business, Innovation and Employment (MBIE) does not accept any responsibility or liability for error of fact, omission, interpretation or opinion that may be present, nor for the consequences of any decisions based on this information.*



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INNOVATION & EMPLOYMENT**  
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**Te Kāwanatanga o Aotearoa**  
New Zealand Government

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# What is the Major Events Management Act 2007

The Major Events Management Act 2007 (the MEMA) was enacted to provide certain protections for major events of international significance that take place, at least in part, in New Zealand, in order to:

- ensure maximum benefits are obtained from those major events for New Zealanders
- prevent unauthorised commercial exploitation at the expense of the major event organiser and official sponsors
- ensure the smooth running of the major event.

To those ends, the Act prohibits certain activities such as ambush marketing, ticket scalping and pitch invasion.

## Which events benefit from MEMA protections?

To benefit from the MEMA protections, an event must be declared to be a 'major event' by the Governor-General. The criteria and process for a declaration are set out in the MEMA. They include considerations related to the international significance of the major event (such as international visitation and media coverage) and the benefits it would bring to New Zealand and New Zealanders.

For example, the following events have been declared a 'major event' under the MEMA:

- Rugby World Cup 2011
- Cricket World Cup 2015
- 36th America's Cup
- Women's Cricket World Cup 2022
- Rugby World Cup 2021 (Playing in 2022)
- FIFA Women's World Cup Australia & New Zealand 2023

## MEMA protections

This Guide discusses four main sets of protections for major events under the MEMA:

- Ambush marketing by association: no person may, during a major event's protection period, make any representation in a way likely to suggest to a reasonable person that there is an association between the major event and goods or services; or a brand of goods or services; or a person who provides goods or services. There are some exceptions to this prohibition, including where the representation or association is authorised by the major event organiser. See page 4 of the Guide for more information and pages 7 to 15 for examples.
- Ambush marketing by intrusion: unless authorised by the major event organiser, no person may advertise or engage in street trading in declared clean zones during declared clean periods. The advertising prohibition extends to advertising that is clearly visible from a clean zone and advertising in declared clean transport routes (if any). The street trading restriction also applies to those outside a clean zone engaging with people in the clean zone. Exceptions to these prohibitions include "business as usual" activities. See page 5 of the Guide for more information and pages 16 to 21 for examples.
- Ticket scalping: unless authorised by the major event organiser, no person may sell or trade a ticket to a major event activity for more than the original sale price of that ticket. See page 22 of the Guide for more information.
- Pitch invasion: it is an offence to go onto the playing surface, without authority, at a major event that is a sporting event; and/or to propel any object onto the playing surface at such event. Offenders are liable to a fine of up to \$5,000 or imprisonment for a term of up to 3 months.

# Ambush Marketing by Association

## Ambush Marketing by Association

Under the MEMA, no person may make any representation in a way likely to suggest to a reasonable person that there is an association between the major event and goods or services; or a brand of goods or services; or a person who provides goods or services. This restriction only applies during a major event's protection period (see below for more information). There are some exceptions to this prohibition, including where the representation or association is authorised by the major event organiser.

## Protection period

Ambush marketing by association restrictions under the MEMA only apply during a specific period, known as the protection period, to be declared by Order in Council for each major event. The protection period typically starts when a major event is declared and ends one month after the end of the major event. Note that this guide also discusses "clean periods" in relation to clean zones and clean transport routes (see page 5 for further information).

## Creating an Association with a Major Event

Whether or not a representation is likely to suggest an association with a major event will depend on the overall suggestion created by the particular advertisement or other representation.

The question to be asked in each case is:

"Would this particular representation suggest to a reasonable person an association with the major event?"

For example, if an entity were to reproduce the event match schedule and brand it with its company logo, a reasonable person is likely to think that brand is associated with the major event.

See pages 7 to 15 for more examples.

## Protected Emblems and Words

Under the MEMA, particular words and emblems can be declared to be major event emblems and words. A representation may be presumed to be in breach of the MEMA if it includes a major event emblem or word(s), or if it so closely resembles a major event emblem or word(s) as to be likely to deceive or confuse a reasonable person (for example, using the words but putting them in a different order). This applies even if the representation is qualified by words like "unauthorised" or "unofficial". However, it should not be assumed a representation is 'safe' just because major events words and emblems are not used, as a representation can create an association with a major event without using those words and emblems.

A list of declared major event emblems and words will be contained in the Order in Council declaring a major event or subsequent Order in Council (available at [www.legislation.govt.nz](http://www.legislation.govt.nz)).

## Exceptions

The MEMA provides for a number of exceptions to the ambush marketing by association provisions, notably in the following cases:

- ➔ Where the association or the representation has the written authorisation of the event.
- ➔ Where a representation is of personal opinion and is made for no commercial gain.
- ➔ Where, in accordance with honest practices in industrial or commercial matters, 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.
- ➔ Where, in accordance with honest practices in industrial or commercial matters, 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 exception 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 the event and goods and services, brands of goods and services, or a person who provides goods and services.

It is important to note that even where exceptions apply in relation to the MEMA, other relevant legislation still applies, such as the Copyright Act 1994 and the Trade Marks Act 2002.

# Ambush Marketing by Intrusion – Clean Zones and Clean Transport Routes

To assist in preventing ambush marketing during a declared major event, clean zones and clean transport routes which will operate during clean periods can be declared under the MEMA.

Clean zones may consist of the major event venues, areas around these venues, and any areas necessary to enable the major event activity to occur. Clean transport routes may consist of motorways, state highways, and/or railway lines that are likely to be used by a substantial number of people to travel to or from a clean zone, up to five kilometres from the clean zone boundaries.

Private land and private buildings are not part of clean zones or clean transport routes, with the exception of billboards, and land the public ordinarily has access to (for example, a railway station or a venue's car park).

## Clean periods

Clean zones and clean transport routes only apply during declared clean periods, which will typically be event day/s and at times before and after the major event activity that are reasonable in the circumstances (such as the day before).

The declared clean zones, clean transport routes and clean periods are contained in a Notice published in the New Zealand Gazette (available at [gazette.govt.nz](http://gazette.govt.nz)).

## Advertising

During a clean period, unauthorised advertising is prohibited within the clean zone, anywhere clearly visible from within the clean zone (including advertising placed on private property such as a house or commercial building), and along the clean transport route.

This prohibition covers the unauthorised distribution of pamphlets, flyers, or free giveaways within the clean zone, even if they do not mention or otherwise suggest an association with the major event.

This restriction can even apply to vehicles bearing advertising (or otherwise communicating information about goods, services, a brand or a company to the public) being parked in or driven through or around clean zones or clean transport routes during a clean period.

The clean zone and clean transport route provisions apply in addition to the general rules preventing non-sponsors from suggesting they have an association with the major event (see page 4).

Existing local authority bylaws, district plan rules, and legislation such as the Resource Management Act 1991, continue to apply, and may prohibit or restrict street trading, advertising and similar activities. It should therefore not be assumed that an activity is 'safe' simply because it is taking place outside a clean zone or a clean transport route.

*If you are planning promotional or trading activities to coincide with a major event, and which will take place close to a major event venue, you should seek advice from your local council and/or your lawyer.*

The advertising prohibition also extends to aircraft, including blimps, sky writing, and aircraft towing signs, as well as branded clothing being worn by a group of people in a co-ordinated effort to intrude on the major event or draw attention from the event's audience.

## Exceptions to the advertising prohibitions

The MEMA provides for a number of exceptions to the advertising prohibitions, notably in the following cases:

- ➔ Where advertising has the written authorisation of the event organiser.
- ➔ Where, in accordance with honest practices in industrial or commercial matters, advertising is done by an existing organisation continuing to carry out its ordinary activities.  
This 'business as usual' principle will allow businesses within the clean zones to continue to operate as usual using their existing business signage.
- ➔ Where advertising is on clothing or another personal item being worn, carried, or used by a member of the public, unless the advertising is worn, carried or used in co-ordination with other people with the intention of drawing attention to that advertising.
- ➔ Where advertising is on a train, boat, or vehicle carrying out its ordinary activities in its usual manner.
- ➔ Where advertising is on an aircraft used for an emergency that involves a danger to life or property necessitating the urgent transportation of persons or medical or other supplies for the protection of life or property.

## Street trading

In addition to the restrictions on advertising, street trading within clean zones is prohibited during clean periods, unless authorised by the event organiser. This does not apply to someone operating an existing business out of its existing permanent premises. However, the prohibition extends to existing businesses such as bars and restaurants planning to use temporary facilities on a footpath or other public space in the clean zone to cater for extra patronage in a way that departs from their usual practice. It also applies to buskers or hawkers who usually trade when sporting events are taking place.

# Practical Examples of the MEMA in Use

The following sections contain examples of representations and activities that would be permitted under the MEMA if the Sports World Cup 2020, a fictitious event, was declared to be a major event under the MEMA, and the event's logo and the words 'Sports World Cup 2020' shown to the left were declared to be major event words and emblems. They also contain examples of related representations and activities which would be prohibited under the MEMA. However, whether any given conduct complies with the MEMA will depend on the circumstances. 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.*

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**Please note:**

The event and the logo have been created by the Ministry of Business, Innovation and Employment solely for the purposes of this document and to assist with describing the effects of the MEMA. Any resemblance to a real event would be purely coincidental.

# Advertising in magazines or other media

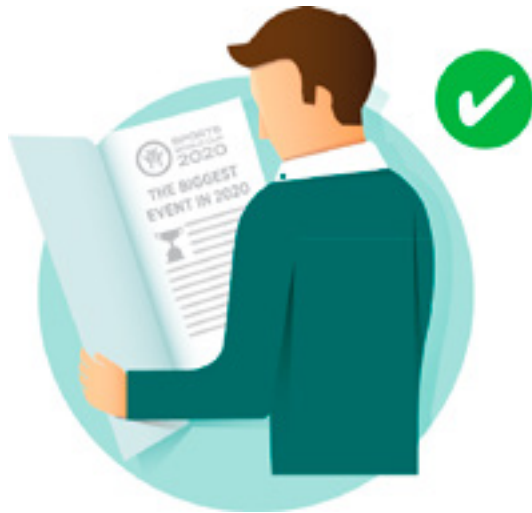


A company is advertising in a sports magazine with its logo appearing on a general article on sports in New Zealand in 2020. This is unlikely to breach the MEMA.

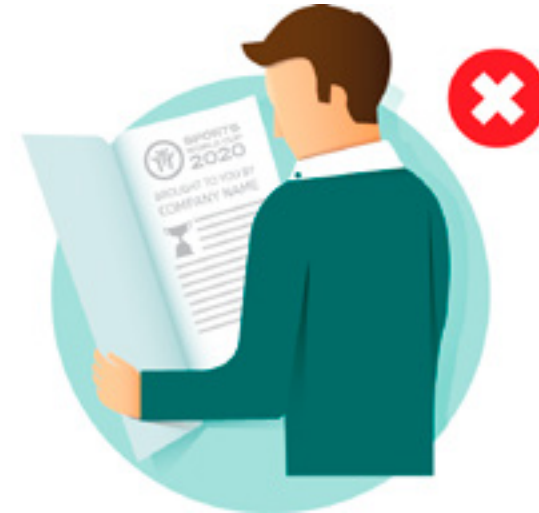


However, that same advertisement on an article specifically on the Sports World Cup 2020 may suggest an association between the major event and the company, which may be in breach of the MEMA unless authorised by the major event organiser. This is likely to be the case even if the article did not include the major events words and emblems.

# Editorial Use of the Major Event Words/Emblems



Newspapers and other media may use the major event words and emblems for the purposes of reporting the news.



However, the MEMA does prohibit 'advertorials' (whether they use major event words and emblems or not) – where advertisements are presented in the manner of editorials, but suggest a commercial relationship between the Sports World Cup and a business or individual that is not authorised by the event organiser.



# Fundraising



The MEMA prohibits the Sports World Cup tickets being offered as prizes in fundraising activities, competitions, and other promotional activities without the authorisation of the event organiser.



Scratch-and-win games, or any other form of lottery, that creates an unauthorised association with the Sports World Cup, would breach the MEMA.

# Match Schedules

Match schedules are popular items that are regularly produced in conjunction with major events. The event organiser will generally permit the use of match schedules for non-commercial information purposes, provided that they are not presented or distributed in a way that creates an unauthorised association with the event organiser.



Match schedules that are not 'advertorial' and simply list match times and locations will comply with the MEMA. This example is permitted under the MEMA as it doesn't create an association between a business and the Sports World Cup.



This example, however, would be in breach of the MEMA because the branding of the schedule creates an association between the business ('Company Name') and the Sports World Cup. This is likely to be the case even if the schedule did not include the major events words and emblems.

# Bars and Restaurants



The MEMA does not prevent bars or restaurants from alerting the public that an event will be televised in their premises at a certain time, provided that an unauthorised association with the Sports World Cup is not created.



The MEMA prohibits unauthorised associations which may result from using words like 'presented by' in conjunction with a company's name or brand.



Bars and restaurants may fall foul of the MEMA, if they create the suggestion that they are associated with the Sports World Cup when they are not. In this example an association is created by using words that so closely resemble major event words or emblems as to be likely to deceive or confuse a reasonable person. This applies even when words like 'unofficial' are used in the manner of a disclaimer.

# Tours and Accommodation

The sale of official event travel and hospitality packages often happens in conjunction with a major event. Opportunities can sometimes exist for New Zealand households to rent out their houses, bach/crib and apartments to visiting fans coming to New Zealand for a major event. However, people need to be mindful when advertising accommodation, tours, or sightseeing packages that they do not use protected major event words or emblems or suggest an unauthorised association with the major event.



The example above is advertising generic tours in New Zealand and would be permitted under the MEMA.



On the other hand, the two examples above would not be acceptable as one is advertising packages tied directly to the Sports World Cup, and the other is using protected words and emblems in their advertisement.



# 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 that creates an unauthorised association with the major event. Websites offering accommodation, for example, must not use major event emblems or words in the domain name or otherwise suggest an association with the major event.

The same applies to website content.

# Merchandise

Many major events operate an official licensing programme, and licences can often be issued to New Zealand businesses by the event organiser on application. These licences cover many different categories, from apparel to stamps. Businesses which do not have a licence to produce official event merchandise cannot produce anything that contains major event emblems or words, or otherwise suggest an association with the event.



Merchandise that does not use major event emblems or words and does not create an association with the Sports World Cup will not breach the MEMA.



However, merchandise that uses major event emblems or words without authorisation may breach the MEMA.

# Shop Displays and Window Dressing

Businesses are able to show their support for a major event by dressing their shop frontage.



A window display that does not use major event emblems or words, and does not otherwise create a suggestion of an association with the event, will be permitted under the MEMA.



One safe option for most businesses is the use of official "flags of the nations" bunting or other similar items authorised by the event organiser.

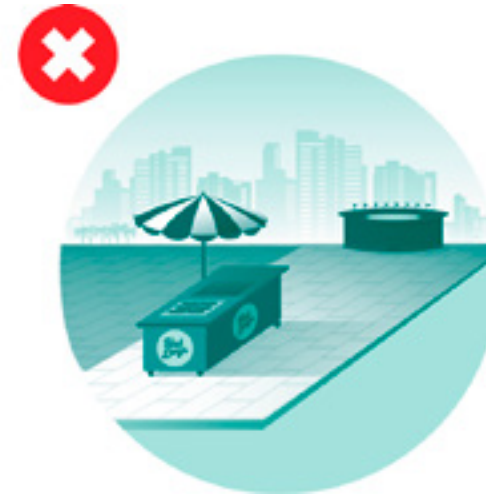


Care must be taken not to create an unauthorised association, particularly through the use of major event emblems or words (or words and emblems that so closely resemble major event words or emblems as to be likely to deceive or confuse a reasonable person).

# Clean zones – Established Business Signage and Street Trading



Clean zone requirements will not impact on existing businesses continuing to carry out their ordinary activities on their usual premises, even if ordinarily they sell products that compete with one of the official sponsors (as long as no attempt is made to suggest an association with the event). Established signage that promotes the business will therefore not need to be removed or obscured while the clean zone provisions are in effect.



Street trading within clean zones is otherwise prohibited unless authorised by the event organiser.



# Clean Zones – Branded Clothing



The MEMA does not restrict fans from wearing branded apparel, or from carrying or using personal items that contain advertising material...



...unless conducted in coordination with other people with the intention that the advertising attracts attention.



Wearing branded clothing or carrying branded items in coordination with other spectators in a major event venue is prohibited under the MEMA.

# Clean zones – Branding on Vehicles



It is not a MEMA breach to use a branded vehicle to get to a major event venue and park it, even in the clean zone, while you are at the event, as long as this is not done with the intention that the advertising intrude on the major event activity or the attention of the associated audience.

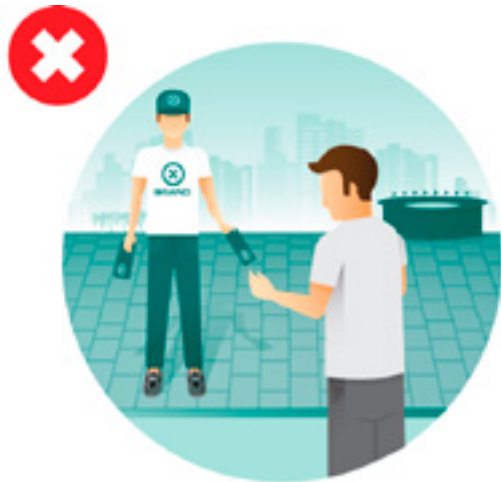


Branded vehicles, trailers, boats or trains which deliberately travel through, or park in, clean zones (or in areas clearly visible from them) or along clean transport routes with the intention of attracting attention are prohibited by the MEMA.



An aircraft flying over a clean zone towing a clearly visible banner with advertising is likely to breach the MEMA.

# Clean Zones – Promotional Flyers and Giveaways



The unauthorised distribution of promotional material, including pamphlets, flyers, and free giveaways, is prohibited within clean zones, along clean transport routes, and in areas clearly visible from within clean zones, even if the material does not mention or otherwise suggest an association with the event.



Free giveaways (drinks, flags, items of clothing etc) can't be handed out from outside of the clean zone to fans in the clean zone.

# Clean Zones – Placement of Advertising on Billboards and Buildings



Advertising done, in accordance with honest practices in industrial or commercial matters, by an existing organisation continuing to carry out its ordinary activities, is not in breach of the MEMA. This may be the case, for example, where a billboard is showing the same advertising every year at that particular period of time.



Property owners accepting money or other consideration for the placement of third party advertisements in, or clearly visible from, a clean zone or in a clean transport route should be aware that action may be taken against them under the MEMA. This also applies to those who pay for, commission or authorise the advertising. This does not cover advertising done, in accordance with honest practices in industrial or commercial matters, by an existing organisation continuing to carry out its ordinary activities.



MEMA restrictions cover advertising placed on private property, whether the property is a house or a commercial building, as long as it is clearly visible from a clean zone.

# Advertising in Clean Transport Routes



Advertising on a bus used to carry out its ordinary activities in its usual manner is not a breach of the MEMA.

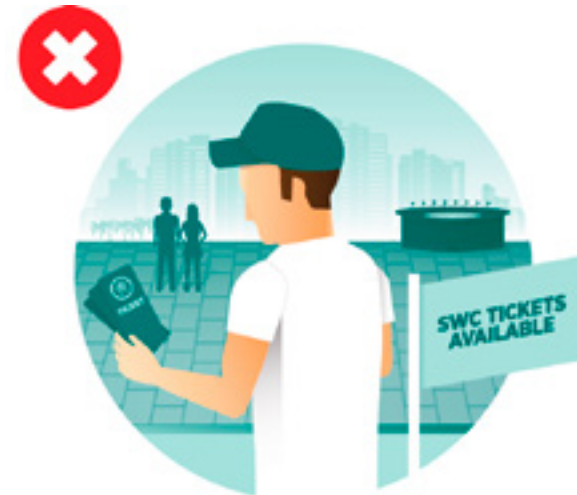


Unauthorised advertising that is put up along the clean transport routes is likely to breach the MEMA, unless it is done by an existing organisation continuing to carry out its ordinary activities.

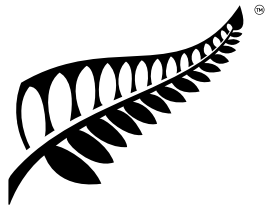
# Ticket Sales and Scalping



Official Travel Agents and Official Hospitality Agents (or similar), as well as official ticket platforms, appointed by the event organiser are the only entities allowed to provide tickets or packages of tickets combined with travel or hospitality. Supporters obtaining tickets or packages from unofficial sources should be aware that they run the risk of having their tickets cancelled or being refused entry at the event venue.



Under the MEMA, reselling or trading a ticket for a value greater than its original sale price (either in person or online) is an offence, punishable by a fine of up to \$5,000. Supporters obtaining tickets from unofficial sources run the risk of having those tickets cancelled or being refused entry at the event venue.



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## Further information on the Major Events Management Act 2007

The Major Events Management Act 2007 and its associated orders are available online at [www.legislation.govt.nz](http://www.legislation.govt.nz)

Visit: [www.majorevents.govt.nz/major-events-management-act](http://www.majorevents.govt.nz/major-events-management-act)

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