



36th America's Cup presented by PRADA

A Guide to the Major Events Management Act 2007

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.

Introduction

The 36th America's Cup presented by PRADA (“AC36 Event”) has been declared a Major Event under the Major Events Management (36th America's Cup) Order 2020 (the “AC36 Order”), an order made under the Major Events Management Act 2007 (“MEMA”).

The AC36 Order has been put in place to protect the rights of commercial partners of the AC36 Event through the prevention of unauthorised commercial exploitation by a party not officially associated with the AC36 Event. In return for the significant financial contribution that is made by commercial partners of the AC36 Event, these commercial partners are granted certain exclusive rights to associate themselves with the AC36 Event.

The AC36 Order relates to the 36th America's Cup presented by PRADA and the yachting events held on the Waitematā Harbour from December 2020 to March 2021, including the PRADA America's Cup World Series Auckland, the Christmas Race and the PRADA Cup during the protection period (Sep 2020 - April 2021).

Protections under MEMA

The AC36 Order restricts the ability of an unauthorised person or business to undertake any activity which creates an unauthorised association between AC36 and a brand, good or service. Essentially, this means that persons and businesses that are not authorised commercial partners of the AC36 Event may not make any representation that is likely to suggest to a reasonable person that there is an association between the AC36 Event and that person's brand, good or service.

MEMA protects AC36 and commercial partners of the AC36 Event by prohibiting the following unauthorised commercial associations:

- representations that suggest individuals, businesses, brands, goods or services have an association with the AC36 Event when they do not;

- advertising and promotional activity that intrudes on the AC36 Event activities and/or the attention of the associated audience; and
- activities that might compromise the smooth running of the AC36 Event.

Businesses that are around the AC36 Event Village (“ACV”) that display promotional signage that conflicts with commercial partners of the AC36 Event – or other signage that implies an association with the AC36 Event – may be regarded by America’s Cup Event Limited as an unauthorised commercial association and may be subject to sanctions outlined in MEMA. This does not restrict businesses outside the ACV from “business as usual” promotional activity but does limit promotional activity that is designed to be associated with the timing of the AC36 Event.

Charter boats (and other boats) that are in and around the race course, and display promotional signage whether such signage conflicts with the commercial partners of the AC36 Event or not – or other signage that implies an association with the AC36 Event – will be regarded by America’s Cup Event Limited as unauthorised commercial association and will be subject to sanctions outlined in MEMA and be asked to leave the race course area.

Protected Emblems

Under MEMA, specific words and emblems associated with the AC36 Event have been declared as major event emblems or major event words and are therefore protected. As a result, no unauthorised use of these words or emblems can be made unless such use falls within an exemption set out under MEMA.

Protected AC36 Event emblems include:





AMERICA'S CUP

The logo features a central silhouette of the America's Cup trophy. The background consists of vertical wavy lines in blue and white. Below the trophy, the text "36TH AMERICA'S CUP" is written in white on a dark blue background. At the bottom, a red banner contains the text "PRESENTED BY PRADA AUCKLAND 2021" in white.The logo features a central silhouette of the America's Cup trophy. The background consists of vertical wavy lines in blue and white. Below the trophy, the text "36TH AMERICA'S CUP" is written in white on a dark blue background. At the bottom, a red banner contains the text "PRESENTED BY PRADA AUCKLAND 2021" in white.



36TH AMERICA'S CUP
PRESENTED BY
PRADA
AUCKLAND 2021

36TH AMERICA'S CUP

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Protected AC36 Event words and phrases include:

- America's Cup
- 36th America's Cup
- AC 36
- America's Cup Match
- America's Cup presented by Prada
- America's Cup Auckland 2021
- America's Cup World Series Auckland 2020
- America's Cup Christmas Race
- Prada Christmas Race
- Prada Cup
- America's Cup world Series
- AC World Series
- Auld Mug
- There is no second

Frequently Asked Questions:

What is the purpose of the MEMA and how does it apply to the 36th America's Cup presented by PRADA?

The Major Events Management Act (“MEMA”) is intended to apply to internationally significant major events where protection from ambush marketing is a requirement for the award of hosting rights.

Staging an event like the AC36 Event requires significant financial backing by event organisers and sponsors. The MEMA provides protection to these commercial partners of major events from ambush marketing and ensures they are able to benefit from their investment.

What is restricted under the MEMA Order for the 36th America's Cup (the “AC36 Order”)?

The MEMA protects against businesses and organisations who are not commercial partners creating an unauthorised association with the AC36 Event. One way it does this is by restricting the use of words and phrases by businesses and organisations who are not commercial partners of the AC36 Events.

Notably, this list of restricted words and emblems includes the words, “America's Cup,” “36th America's Cup,” “PRADA Cup,” “America's Cup World Series,” “AC36” and a range of other designations related to the events and broadcast.

The MEMA also restricts the use of certain emblems, including the America's Cup trophy, its silhouette and the event logo. This means these symbols cannot be used in advertising, promotions, window dressing or other applications.

The full list of words and emblems can be found [here](#). Be sure to read this to avoid inadvertently breaching the MEMA.

So, what can I say in advertising and promotions?

Advertisements using general terms, images and symbols which are **not** declared ‘major event emblems’ or ‘major event words’, and which do **not** suggest an association with the 36th America's Cup are not in breach of the MEMA.

Words and phrases such as, ‘the racing,’ or ‘yachting,’ for example, are not protected and therefore are acceptable for use in advertisements and promotional materials.

For example, the following ad copy would be MEMA compliant:

“Come to the Auckland Waterfront Festival to watch all of the sailing action as the world's most cutting-edge yachts compete on Auckland's stunning Waitemata Harbour!”

Can I broadcast at my event, bar or restaurant?

Yes, the broadcast for the AC36 Event is free-to-air on TVNZ, which means any bar, restaurant or event can screen the racing without being in breach of the MEMA.

Bars and restaurants may fall foul of the MEMA, however, if advertisements or promotional materials suggest they are associated with the AC36 Event when they are not, or if any of the restricted words or emblems are used. This applies even when words like 'unofficial' are used in the manner of a disclaimer.

Are there any licenses required for screening the broadcast in my venue or at my event?

There is no special license required to show the broadcast at an event or venue. Again, the only MEMA compliance issue would be in how that event is promoted.

For example, if promotional materials included any of the [restricted words or emblems](#) this would be in breach of the MEMA. Phrases which suggest an authorisation – such as 'official,' or 'presented by' may also pose an issue.

What about ticketed events?

For ticketed events or events where there is a door charge, there is still no special license required.

Again, however, venues or organisers would need to be mindful of how they promote that event and ensuring advertising materials in no way create an unauthorised association with the AC36 Event.

What are the guidelines for editorial use?

The MEMA does not limit or prevent legitimate editorial use of protected 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.

However, the MEMA does prohibit 'advertorials' - where advertisements are presented in the manner of editorials but suggest a commercial relationship between the 36th America's Cup and a business or individual that is not authorised to use a protected emblem or word.

Advertorials are treated in the same manner as general advertising.

Are there any exemptions for businesses?

There may be special instances where certain restrictions within the MEMA do not apply. This would require the written authorisation of the major event organiser, America's Cup Event Limited. To find out more, contact info@americascup.com.

How can I dress my business and activate my premises in line with the MEMA?

Activating your premises during the AC36 Event is a great way to gain new customers by signalling that you're a part of the action during the events. It's important for businesses to be mindful, however, that all the restrictions around major event words and emblems apply when it comes to business dressing, window dressing, signage, and other branding items.

Where can I find more information on MEMA and the AC36 Event?

You can find more information on the MEMA and the AC36 Event at the following links:

- **An overview of the Major Events Management Act:**
<https://www.majorevents.govt.nz/major-events-management-act/>
- **The Major Events Management Act 2007:**
<http://www.legislation.govt.nz/act/public/2007/0035/latest/DLM411987.html>
- **Major Events Management (36th America's Cup) Order 2020:**
www.legislation.govt.nz/regulation/public/2020/0189/6.0/whole.html
- **Official Website of the 36th America's Cup presented by PRADA:**
www.americascup.com

I have a question that hasn't been answered here. Who can I talk to about a specific promotion or idea?

If you have a question that hasn't been answered here, leave us a query or reach out to info@americascup.com.