



COVERSHEET

Minister	Hon Stuart Nash	Portfolio	Economic and Regional Development
Title of Cabinet paper	Major Events Management Order 2021	Date to be published	13 December 2021

List of documents that have been proactively released

Date	Title	Author
Octobe 2021	Major Events Management Order 2021	Office of the Minister for Economic and Regional Development
October 2021	Major Events Management (ICC Women's Cricket World Cup 2022) Order 2021	Parliamentary Counsel Office
28 October 2021	Minute of Decision – Major Events Management Order 2021 - LEG-21-MIN-0178	Cabinet Office

Information redacted

NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

IN CONFIDENCE

Office of the Minister for Economic and Regional Development
Chair, Cabinet Legislation Committee

MAJOR EVENTS MANAGEMENT ORDER 2021

Proposal

- 1 I propose that the Cabinet Legislation Committee approve the submission to the Executive Council of the Major Events Management (ICC Women's Cricket World Cup 2022) Order 2021 (the Order)
- 2 The purpose of the Order is:
 - 2.1 to declare the ICC Women's Cricket World Cup 2022 (the Event) to be a 'major event' pursuant to section 7 of the Major Events Management Act 2007 (the Act);
 - 2.2 to declare the emblems and words associated with the Event to be 'major event emblems and words' pursuant to section 8 of the Act; and
 - 2.3 to declare the protection period for the Event pursuant to section 9 of the Act.
- 3 The Order is attached at Annex One.

Executive Summary

- 4 The Major Events Management Act is designed to address ambush marketing and certain other issues associated with the running of major events, such as ticket scalping and crowd behaviour.
- 5 Ambush marketing is when an unapproved advertiser 'ambushes' an event by creating an unauthorised association with that event to gain exposure.
- 6 Cricket 2021 Ltd (on behalf of Women's Cricket 2021 LP as its General Partner) (the Organiser), has applied for the Event to be declared a 'major event' under the Act.
- 7 The Event meets the criteria under the Act to be declared a 'major event'.
- 8 The Organiser has requested that certain words and emblems are declared 'major event words and emblems' under the Act. During the protection period, parties cannot make representations which suggest an association between their products or services and the event. In order to prevent the importation of counterfeit products, New Zealand Customs Service is also empowered to detain goods at the border bearing any declared 'major event emblems or words'.

Major Events Management Act 2007

- 9 The Act provides protections for declared 'major events' in order to –
 - 9.1 obtain maximum benefits from the event for New Zealanders;
 - 9.2 prevent unauthorised commercial exploitation at the expense of major event organisers and sponsors; and
 - 9.3 ensure the smooth running of the event.
- 10 Sections 7 and 8 of the Act establish processes and criteria for events, and their associated emblems and words, to be declared 'major events' and 'major event words and emblems' by Order in Council.
- 11 The regulations outlined are entirely routine and do not require any new policy decisions.

Section 7 process for the declaration of a 'major event'

- 12 Following the receipt of an application by an event organiser, I may recommend that the Governor-General, by Order in Council, declare that event to be a 'major event'.
- 13 In making this recommendation, I must be satisfied that that event's organiser has the capacity and intention to successfully and professionally stage and manage that event, and to use all practicable measures available under existing law to prevent unauthorised commercial exploitation of that 'major event' and to protect its intellectual property rights and other legal rights.
- 14 The Act also requires that I take into account whether that event will:
 - 14.1 attract a large number of international participants or spectators, therefore generating significant tourism opportunities;
 - 14.2 significantly raise New Zealand's international profile;
 - 14.3 require a high level of professional management and co-ordination;
 - 14.4 attract significant sponsorship and international media coverage;
 - 14.5 attract large numbers of New Zealanders as participants or spectators; and
 - 14.6 offer substantial sporting, cultural, economic, or other benefits for New Zealand and New Zealanders.
- 15 Finally, I am required to consult the Minister of Commerce and Consumer Affairs and the Minister for Sport and Recreation on the application.

The ICC Cricket World Cup 2022

- 16 The Organiser has submitted an application for the Event to be declared a 'major event' pursuant to section 7 of the Act.
- 17 The Event, scheduled to take place in 2022, is the peak tournament for elite women's cricket. It takes place every four years and was previously hosted in New Zealand in 2000. The Event will take place nationwide across six host cities, with an anticipated 98,000 domestic attendees¹. Projections for the 2022 tournament cover up to 200 broadcast territories, with a minimum global audience of 180 million viewers, aiming for up to 215 million, based on the 2020 Women's T20 World Cup (WT20) held in Australia. Notably, the WT20 saw a significant increase in digital numbers, so event organisers for the Women's Cricket World Cup 2022 are aiming for 1.0-1.5 billion viewers of video content.
- 18 I have considered the factors mentioned in paragraph 14. Due largely to the implications of COVID-19, the Event will not generate significant international visitation, however, events of a similar scale have been declared 'major events' based on ancillary social benefits². Although precedent alone is not a reason for granting Major Event status, the Event remains a priority event within the Government's Major Events Fund portfolio and under the Sport and Recreation portfolio, because it provides long term benefits to New Zealand, in that it forms part of a broader and collective focus on women's sporting events, aligning with the Government's Women and Girls in Sport and Active Recreation strategy.
- 19 I have considered the application and consulted the Minister of Commerce and Consumer Affairs and the Minister for Sport and Recreation as required under section 7(1) of the Act. In my judgement, the information provided with the application addresses the requirements for the Event to be declared a 'major event'.
- 20 Accordingly, I consider it appropriate to recommend that the Governor-General, by Order in Council, declare the ICC Women's Cricket World Cup 2022 to be a 'major event'.

Section 8 process for the declaration of 'major event emblems and words'

- 21 The Act restricts the making of unauthorised representations, such as advertisements, that suggest there is an association between a 'major event' and goods or services, brands of goods or services, or people providing goods or services. The purpose of this restriction is to protect the exclusive rights of sponsors to be associated with a 'major event'.
- 22 In addition, pursuant to section 8 of the Act, I may recommend that the Governor-General, by Order in Council, declare certain emblems and words to be 'major event' emblems and words.

¹ Organiser projection, assuming a COVID-19 environment, and based on Alert Level 1 protocols.

² IRB Junior World Championship 2014 was declared a 'major event'. The event only expected 1049 international visitors; however the event provided significant ancillary benefits, including sporting and cultural opportunities.

- 23 Before making a recommendation to the Governor-General that ‘major event emblems and words’ be declared, I am required to consider the extent to which each of the events’ emblems and words require protection in order to:
- 23.1 obtain maximum benefits for New Zealanders; and
 - 23.2 prevent the unauthorised commercial exploitation at the expense of the organisers and sponsors of the ‘major event’.
- 24 I am required to consult with the Minister for Commerce and Consumer Affairs, the Organiser, and persons substantially affected by recommendations to this effect – I can confirm that this has been done.

The ICC Women’s Cricket World Cup 2022 words and emblems

- 25 I have reviewed all words and all emblems proposed by the Organiser to be granted protection. I recommend that the words and emblems set out in Schedules 1 and 2 of the Order are declared ‘major events words and emblems’ for the purposes of the Act during the Event.
- 26 The protected word combinations in Schedule 2, Part 1 consist of four main authorised tournament references and one protected phrase. The combined words in Part 2 provide protection from a large number of applicable, and relevant, potential unauthorised associations, for example “CWC” in combination with “agent”, “supplier” and “product”.
- 27 A good representative selection of emblems and symbols has been provided, further protected by wording under Schedule 1 of the Order which allows for representations of the emblems in different colours, or the emblems without any words or figures.

Protection for existing businesses and organisations for legitimate use of protected words

- 28 While the court may presume that a representation using protected words is likely to suggest there is an association with the ‘major event’, section 12 of the Act provides protection for existing businesses, organisations and people that use them legitimately. For example, use is allowed if, in accordance with honest practices, the representation is made by an existing organisation continuing to carry out its ordinary activities or using its own legal name with no intention of creating an association with the event. The Act also deters event organisers from bringing unjustified proceedings by allowing the court to order payment of damages to the defendant.
- 29 Although the terms “ICC” and “CWC” have been registered as trade marks and belong to parties not associated with the Event, I am satisfied that protection of these terms, when used in combination with other event terms, in the manner set out in the attached Order, would not be prejudicial to the interests of those trade mark owners. Furthermore, similar protection for these two terms was previously provided under the Major Events Management (Cricket World Cup 2015) Order 2013 without creating issues for the trade mark owners.

- 30 As required by the Act, I have consulted with the following parties before making a recommendation:
- 30.1 the Minister of Commerce and Consumer Affairs;
 - 30.2 the Minister for Sport and Recreation;
 - 30.3 the event's organisers.
- 31 After taking all necessary matters into account and consulting the above parties, I consider it appropriate to recommend that the Governor-General, by Order in Council, declare the emblems and words in the Schedules to the Order to be 'major events words and emblems'.

Section 9 declaration of the protection period

- 32 Pursuant to section 9 of the Act, any Order in Council made under section 8 must declare a protection period for the 'major event'. The protection period is the period for which the protection against unauthorised association with the 'major event' applies. The protection period is not required to be limited to the period when 'major event' activities are to occur, but it may not end later than 30 days after the completion or termination of all 'major event' activities.
- 33 The Event is scheduled to take place between 4 March and 4 April 2022. The Organisers requested a protection period commencing at least 4 months prior to the Event to allow for ancillary events and promotional activity. I have consulted with the Minister for Sport and Recreation and I propose that the Event's protection period begins on 3 December 2021 and ends on 4 May 2022. This protection period commences three months prior to the Event and should sufficiently encompass key promotional activity in the lead up to the event and the trophy tour.

Timing and the 28 day rule

- 34 It is a requirement of Cabinet that Orders must not come into force until at least 28 days after they have been notified in the New Zealand Gazette.
- 35 The Order will come into force on 3 December 2021, which is compliant with the 28 day rule.

Compliance

- 36 The Order will comply with, or have no implications for:
- 36.1 The principles of the Treaty of Waitangi;
 - 36.2 The rights and freedoms contained within the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 36.3 The principles and guidelines set out in the Privacy Act 2020;
 - 36.4 Relevant international standards and obligations; and

36.5 Legislation Advisory Committee Guidelines on Process and Content of Legislation.

Financial Implications

37 The Order will have no direct financial implications.

Regulations Review Committee

38 There do not appear to be grounds for the Regulations Review Committee to draw the Order to the attention of the House under Standing Order 327.

Certification by Parliamentary Counsel

39 The Order has been certified by Parliamentary counsel as in order for submission to Cabinet.

Regulatory Impact Analysis

40 A Regulatory Impact Statement is not required as the proposals are of a minor nature and do not require new policy approvals.

Publicity

41 The Order will be published in the Gazette on the Thursday following the Executive Council approval.

Proactive release

42 I propose that this paper is proactively released, subject to redaction as appropriate under the Official Information Act 1982.

Consultation

43 The Minister of Commerce and Consumer Affairs, the Minister for Sport and Recreation, and the Organisers have been consulted on the proposals in this paper.

44 Officials have also consulted with the following agencies on the Order: Sport New Zealand, the New Zealand Customs Service, The Treasury, the Ministry for Culture and Heritage, Tourism New Zealand and New Zealand Trade and Enterprise.

Recommendations

I recommend that the Cabinet Legislation Committee:

1. **note** that I recommend that the Governor General, by Order in Council, declare the ICC Women's Cricket World Cup 2022 to be a 'major event' and certain emblems and words related to be 'major event emblems and words' under the Major Events Management Act 2007;

2. **note** that before recommending the making of an Order in Council, I consulted with the Minister of Commerce and Consumer Affairs and Minister for Sport and Recreation and other persons as required under sections 7 and 8 of the Major Events Management Act 2007;
3. **note** that the Major Events Management (ICC Women's Cricket World Cup 2022) Order 2021 will give effect to the decision referred to in recommendation 43 above;
4. **authorise** submission of the Major Events Management (ICC Women's Cricket World Cup 2022) Order 2021 to the Executive Council;
5. **note** that the Major Events Management (ICC Women's Cricket World Cup 2022) Order 2021 will come into force on 3 December 2021 and will expire on 4 May 2022.

Authorised for lodgement

Hon Stuart Nash
Minister for Economic and Regional Development



Major Events Management (ICC Women's Cricket World Cup 2022) Order 2021

Cindy Kiro, Governor-General

Order in Council

At Wellington this 1st day of November 2021

Present:

Her Excellency the Governor-General in Council

This order is made under sections 7, 8, and 9 of the Major Events Management Act 2007—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendations of the Minister for Economic and Regional Development made after the consultation required by, and compliance with every other requirement for the making of those recommendations that is specified in, sections 7 and 8 of that Act.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
<i>Declaration of major event</i>	
4 ICC Women's Cricket World Cup 2022 declared to be major event	2
5 Cricket 2021 Limited (on behalf of Women's Cricket 2021 LP as its general partner) is major event organiser	2

*Declarations of protection period, major event emblems, and
major event words*

6	Declaration of protection period	2
7	Declaration of major event emblems	3
8	Declaration of major event words	3
	Schedule 1	4
	Major event emblems	
	Schedule 2	6
	Major event words	

Order

1 Title

This order is the Major Events Management (ICC Women's Cricket World Cup 2022) Order 2021.

2 Commencement

This order comes into force on 3 December 2021.

3 Interpretation

In this order, **ICC Women's Cricket World Cup 2022** means the International Cricket Council Women's Cricket World Cup 2022 to be held in New Zealand from 4 March 2022 to 4 April 2022.

Declaration of major event

4 **ICC Women's Cricket World Cup 2022 declared to be major event**

The ICC Women's Cricket World Cup 2022 is declared to be a major event.

5 **Cricket 2021 Limited (on behalf of Women's Cricket 2021 LP as its general partner) is major event organiser**

Cricket 2021 Limited (on behalf of Women's Cricket 2021 LP as its general partner) is the major event organiser of the ICC Women's Cricket World Cup 2022.

*Declarations of protection period, major event emblems, and major event
words*

6 **Declaration of protection period**

The protection period for the ICC Women's Cricket World Cup 2022 is declared to start on 3 December 2021 and end on 4 May 2022.

7 Declaration of major event emblems

The emblems set out in Schedule 1 are declared to be major event emblems for the protection period for the ICC Women's Cricket World Cup 2022.

8 Declaration of major event words

The words or combinations of words, and words if combined with other words, set out in Schedule 2 are declared to be major event words for the protection period for the ICC Women's Cricket World Cup 2022.

Schedule 1 Major event emblems

cl 7

The major event emblems are as depicted below, or as depicted below but in a different colour, or as depicted below but without any of the words or figures.



**ICC WOMEN'S
CRICKET WORLD CUP
NEW ZEALAND 2022**



**ICC WOMEN'S
CRICKET WORLD CUP
AOTEAROA • NZ 2022**



**ICC WOMEN'S CRICKET WORLD CUP
NEW ZEALAND 2022**



**ICC WOMEN'S CRICKET WORLD CUP
AOTEAROA • NZ 2022**



ICC WOMEN'S CRICKET WORLD CUP NEW ZEALAND 2022



ICC WOMEN'S CRICKET WORLD CUP AOTEAROA • NZ 2022

Schedule 2

Major event words

cl 8

Part 1

Words and combinations of words

The Flagship of Cricket
 ICC Women's Cricket World Cup
 ICC Women's Cricket World Cup 2022
 Women's Cricket World Cup
 Women's Cricket World Cup 2022

Part 2

Words if combined with other words

The words in an item in column A if used in combination with the words in an item in column B.

Column A	Column B
Cricket World Cup	22
CWC	2022
ICC	Agent
ICC Cricket	Aotearoa
ICC Cricket World Cup	Broadcast
ICC World Cup	Caterer
International Cricket Council	Champion
WCWC	Championship
World Cup Cricket	Commercial partner
	Cricket
	Cup
	Event
	Fanzone
	Finalist
	Host
	Hospitality
	Licensed
	Licensee
	Merchandise

Column A**Column B**

Nation
New Zealand
Official
Partner
Product
Retail
Sponsor
Store
Supplier
Ticketing
Tournament
Travel
Trophy
Women
World

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 3 December 2021, is made under the Major Events Management Act 2007 (the **Act**). It relates to the ICC Women's Cricket World Cup 2022, a cricket tournament that will take place in New Zealand from 4 March 2022 to 4 April 2022.

The order—

- declares the event to be a major event:
- identifies the major event organiser for the event:
- declares the protection period for the event:
- declares emblems and words to be, for that period, major event emblems and major event words.

Subpart 2 of Part 2 of the Act contains protections against ambush marketing by association. Those protections restrict, during the protection period for a major event, a person's ability to make a representation (for example, in an advertisement) suggesting that there is an association between the major event and goods or services, a brand of goods or services, or a person who provides goods or services. There is a presump-

tion that a representation that includes a major event emblem or major event words suggests such an association.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 4 November 2021.

This order is administered by the Ministry of Business, Innovation, and Employment.