



COVERSHEET

Minister	Hon Stuart Nash	Portfolio	Economic and Regional Development
Title of Cabinet paper	Major Events Management (Rugby World Cup 2021 (Playing in 2022)) Order 2022	Date to be published	21 June 2022

List of documents that have been proactively released

Date	Title	Author
May 2022	Major Events Management (Rugby World Cup 2021 (Playing in 2022)) Order 2022	Office of the Minister for Economic and Regional Development
5 May 2022	Major Events Management (Rugby World Cup 2021 (Playing in 2022)) Order 2022: LEG-22-MIN-0058 Minute	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 (RUGBY WORLD CUP 2021 (PLAYING IN 2022)) ORDER 2022

Proposal

- 1 I propose that the Cabinet Legislation Committee approve the submission to the Executive Council of the Major Events Management (Rugby World Cup 2021 (Playing in 2022)) Order 2022 (the Order).
- 2 The purpose of the Order is:
 - 2.1 to declare the Rugby World Cup 2021 (Playing in 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 pitch invasion.
- 5 Ambush marketing is when an unapproved advertiser 'ambushes' an event by creating an unauthorised association with the event to gain exposure.
- 6 New Zealand Rugby (the Organiser) has applied for the Event to be declared a 'major event' under the Act and has requested that certain associated words and emblems are declared 'major event words and emblems'.
- 7 The Event meets the criteria under the Act to be declared a 'major event'. I recommend that the Governor-General, by Order in Council, declare the Rugby World Cup 2021 (Playing in 2022) to be a 'major event' under the Act and 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.

Major Events Management Act 2007

- 8 The Act provides protections for declared 'major events' in order to –
 - 8.1 obtain maximum benefits from the event for New Zealand and New Zealanders;
 - 8.2 prevent unauthorised commercial exploitation at the expense of major event organisers and sponsors; and
 - 8.3 ensure the smooth running of the event.
- 9 Sections 7 and 8 of the Act establish processes and criteria, and considerations, for events, and their associated emblems and words, to be declared 'major events' and 'major event words and emblems' by Order in Council.

Process for the declaration of a 'major event' (section 7 of the Act)

- 10 Following the receipt of an application by an event organiser, I may recommend that the Governor-General, by Order in Council, declare the event to be a 'major event'.
- 11 In making this recommendation, I must be satisfied that the event organiser has the capacity and intention to successfully and professionally stage and manage the event, and to use all practicable measures available under existing law to prevent unauthorised commercial exploitation of the 'major event' and to protect its intellectual property rights and other legal rights.
- 12 The Act also requires that I take into account whether the event will:
 - 12.1 attract a large number of international participants or spectators, therefore generating significant tourism opportunities;
 - 12.2 significantly raise New Zealand's international profile;
 - 12.3 require a high level of professional management and coordination;
 - 12.4 attract significant sponsorship and international media coverage;
 - 12.5 attract large numbers of New Zealanders as participants or spectators; and
 - 12.6 offer substantial sporting, cultural, economic, or other benefits for New Zealand and New Zealanders.

- 13 I am required to consult the Minister of Commerce and Consumer Affairs and the Minister for Sport and Recreation.

The Rugby World Cup 2021 (Playing in 2022)

- 14 The Organiser has submitted an application for the Event to be declared a 'major event' pursuant to section 7 of the Act.
- 15 The Event, scheduled for 8 October - 12 November 2022, is the most significant women's rugby competition in the world. The Black Ferns have won five of the past six World Cups. Originally titled the Women's Rugby World Cup, this event will be the first Rugby World Cup to adopt a gender-neutral naming approach.
- 16 The Event initially expected to attract 2,400 international visitors, though this number could still be impacted by the COVID-19 pandemic, whether through remaining border restrictions or decreased international tourism. The Event is anticipated to host 16,400 domestic spectators and is expected to be broadcast to 120 territories with an expected cumulative total of 34 million viewers.
- 17 Although precedent alone is not a reason for granting 'major event' status, I note that the Event had been declared a 'major event' under the Act in 2020 when it was originally scheduled to take place in September-October 2021. The Order in Council was subsequently revoked due to the Event being postponed from 2021 to 2022.
- 18 The Event is 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, notably 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 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 Rugby World Cup 2021 (Playing in 2022) to be a 'major event' under the Act.

Process for the declaration of 'major event emblems and words' (section 8 of the Act)

- 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 (section 10 of the Act). The

purpose of this restriction is to protect the exclusive rights of sponsors to be associated with a 'major event'.

- 22 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. If emblems and words are protected by such a declaration, the court may presume that a representation is in breach of section 10.
- 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 the event's 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 event.
- 24 I am required to consult the Minister of Commerce and Consumer Affairs, the event organiser and any persons I consider are likely to be substantially affected by the recommendation.

The Rugby World Cup 2021 (Playing in 2022) words and emblems

- 25 Based on the advice of MBIE officials, including from the Intellectual Property Office of New Zealand (IPONZ), I have reviewed the words and emblems proposed by the Organiser to be granted protection. The Organiser has been consulted. I have also consulted the Minister of Commerce and Consumer Affairs.
- 26 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.

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

- 27 While the court may presume that a representation using protected words is likely to suggest there is an association with the 'major event', 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.

Declaration of the protection period (section 9 of the Act)

- 28 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.
- 29 The Organiser has requested the protection period to start as soon as possible, noting it considered ambush marketing risks would increase in the months leading up to the Event when promotional activities would increase.
- 30 Noting that when the Event was declared a 'major event' under the Act in 2020 the protection granted at the time started 4 months prior to the event and ended 30 days post-event, I propose that the protection period for the Rugby World Cup 2021 (Playing in 2022) be comparable, starting when the Order comes into effect (expected to be on 9 June 2022) and ending 12 December 2022.

Timing and the 28-day rule

- 31 It is a requirement of Cabinet that the Order must not come into force until at least 28 days after they have been notified in the New Zealand Gazette. The Order will come into force on 9 June 2022, which is compliant with the 28-day rule.

Compliance

- 32 The Order will comply with, or have no implications for:
- 32.1 The principles of the Treaty of Waitangi;
 - 32.2 The rights and freedoms contained within the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 32.3 The principles and guidelines set out in the Privacy Act 2020;
 - 32.4 Relevant international standards and obligations; and
 - 32.5 The 2021 Legislation Guidelines adopted by the Legislation Design and Advisory Committee.

Financial Implications

- 33 The Order will have no direct financial implications.

Regulations Review Committee

- 34 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

- 35 The Order has been certified by Parliamentary Counsel as being in order for submission to Cabinet.

Regulatory Impact Analysis

- 36 A Regulatory Impact Statement is not required as the proposal is of a minor nature and does not require new policy approvals.

Publicity

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

Proactive release

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

Consultation

- 39 The Minister of Commerce and Consumer Affairs, the Minister for Sport and Recreation and New Zealand Rugby have been consulted on the proposals in this paper and are unopposed.
- 40 Officials have consulted with the following agencies: 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 Rugby World Cup 2021 (Playing in 2022) to be a 'major event' and certain associated emblems and words 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 the 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 (Rugby World Cup 2021 (Playing in 2022)) Order 2022 will give effect to the decision referred to in paragraph 38 above;
4. **authorise** submission of the Major Events Management (Rugby World Cup 2021 (Playing in 2022)) Order 2022 to the Executive Council; and
5. **note** that the Major Events Management (Rugby World Cup 2021 (Playing in 2022)) Order 2022 will come into force on 9 June 2022.

Authorised for lodgement

Hon Stuart Nash
Minister for Economic and Regional Development

IN CONFIDENCE

Major Events Management (Rugby World Cup 2021 (Playing in 2022)) Order 2022

Governor-General

Order in Council

At Wellington this day of 2022

Present:
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 in 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 Rugby World Cup 2021 (Playing in 2022) declared to be major event	2
5 New Zealand Rugby Incorporated 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 (Rugby World Cup 2021 (Playing in 2022)) Order 2022.

2 Commencement

This order comes into force on 9 June 2022.

3 Interpretation

In this order, **Rugby World Cup 2021 (Playing in 2022)** means the rugby tournament to be held in New Zealand from 8 October 2022 to 12 November 2022.

Declaration of major event

4 **Rugby World Cup 2021 (Playing in 2022) declared to be major event**

Rugby World Cup 2021 (Playing in 2022) is declared to be a major event.

5 **New Zealand Rugby Incorporated is major event organiser**

New Zealand Rugby Union Incorporated is the major event organiser of the Rugby World Cup 2021 (Playing in 2022).

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

6 **Declaration of protection period**

The protection period for the Rugby World Cup 2021 (Playing in 2022) is declared to start on 9 June 2022 and end on 12 December 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 Rugby World Cup 2021 (Playing in 2022).

8 Declaration of major event words

The words or combination 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 Rugby World Cup 2021 (Playing in 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.





RUGBY
WORLD CUP
AOTEAROA 2021

TĀKAROTIA Ā TE 2022

Schedule 2

Major event words

cl 8

Part 1

Major event words and combinations of words

Rugby World Championship
 Rugby World Cup
 Rugby World Cup 2021
 Rugby World Cup 2022
 Rugby World Cup New Zealand 2021
 Rugby World Cup New Zealand 2022
 RWC
 RWC2021
 RWC2022
 The Best in Women's Rugby

Part 2

Major event 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
 World rugby

Column B
 2021
 2022
 Agent
 Aotearoa
 Bar
 Broadcaster
 Caterer
 Club
 Cup
 Fanzone
 Gym
 Hospitality
 Host
 Hotel
 Licensed product
 Licensee
 Merchandise
 New Zealand 2021

Column A

Column B

New Zealand 2022
Official
Package
Partner
Playing in 2022
Pub
Sponsor
Store
Supplier
Supporter
Tākarotia ā te 2022
Ticket
Tournament
Tournament pass
Training venue
Travel
Trophy
Twenty twenty-one
Twenty twenty-two
Two thousand and twenty-one
Two thousand and twenty-two
Trophy tour
Unforgettable
Unlimited
Unstoppable
Venue

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 9 June 2022, is made under the Major Events Management Act 2007 (the **Act**). It relates to the Rugby World Cup 2021 (Playing in 2022), a rugby tournament that will take place in New Zealand from 8 October to 12 November 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 presumption 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*:

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