Navigating ambush marketing laws in Canada

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As Canada prepares to co-host the 2026 FIFA World Cup, many businesses are eager to leverage the event's global visibility. However, while ambush marketing — where companies associate themselves with major events without official sponsorship — may seem attractive, it carries significant legal risks.

What is ambush marketing?

Ambush marketing can take two main forms:

- **Direct** ambush marketing involves unauthorized use of protected intellectual property (IP) such as trademarks or copyrighted images.
- **Indirect** ambush marketing uses suggestive imagery or language to imply a connection without IP infringement.

Both strategies can be damaging to IP rights holders, undermine the value of official sponsorship, and be deceptive to the public.

What is the legal framework for ambush marketing in Canada?

Unlike some jurisdictions, Canada does not have a broad legal ban on ambush marketing — except in relation to the Olympic and Paralympic Games. The Olympic and Paralympic Marks Act specifically prohibits unauthorized associations with these events.

That said, consumer protection and IP laws address misleading or infringing marketing practices. For example:

- The *Competition Act* prohibits false or misleading representations. Violations can result in substantial penalties, including administrative monetary penalties of the greater of $10 million or 3 per cent of a corporation's annual global revenue.
- The *Trademarks Act* protects against unauthorized use of confusingly similar marks. For instance, both the FIFA World Cup trophy design and the phrase "FIFA World Cup" are registered trademarks in Canada. Infringement may lead to remedies such as injunctions, damages, and accounting of profits.

- The *Copyright Act* prohibits unauthorized use of artistic works, including logos, images, and sounds. Infringement is assessed on a case-by-case basis, with available remedies including injunctions, damages, and delivery up of infringing materials.

What does this mean for advertisers and event organizers?

Advertisers must evaluate their campaigns to avoid misleading consumers or violating IP rights, seeking legal guidance where necessary. Likewise, event organizers and sponsors should proactively audit their IP, advertising, and promotional strategies — ensuring contracts include robust anti-ambush marketing provisions. Taking these steps not only mitigates legal risk but also protects brand integrity and strengthens stakeholder confidence.

If you have questions or need assistance navigating the complex legal landscape of ambush marketing in Canada, please don't hesitate to reach out to our team.

By

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