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ETHICAL AND LEGAL ASPECTS OF GUERRILLA AND AMBUSH MARKETING IN SPORTS - CASE STUDY BREWDOG-A

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Abstract: This paper explores the ethical and legal aspects of guerrilla and ambush marketing in modern sports, with particular emphasis on their impact on brand integrity and the value of sports sponsorships. Based on relevant literature, a qualitative analysis and a case study of the BrewDog campaign during the 2022 FIFA World Cup were conducted as a paradigmatic example of “dissociative” ambush marketing. The research results confirm that such strategies, while increasing media visibility and the perceived authenticity of the brand, simultaneously undermine ethical principles and the exclusivity of official sponsors. The degree of ethical acceptability depends on the transparency of communication and compliance with intellectual property regulations. The paper highlights the need for an integrated approach that connects legal, communicational, and ethical mechanisms to protect market fairness and the sustainability of the sports system. The limitations relate to the insufficient number of empirical studies after 2023, indicating the need for future quantitative research on consumer perceptions and the long-term effects of ambush strategies on brand value and public trust.

Keywords: guerrilla marketing, ambush marketing, sports sponsorship, ethics, intellectual property, communication

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Introduction

One of the most dynamic sectors of the modern economy is the sports business, where marketing is crucial to audience engagement, brand development, and event revenue. Because they upend the traditional connections between official sponsors, organizers, and consumers, guerrilla and ambush marketing phenomena are drawing more and more attention from scholars and regulators. (Grady, 2023; Dašić, 2023a; Stanković, 2023). Guerrilla marketing encompasses unconventional, often low-budget strategies that rely on creativity, surprise, and psychological impact on the audience (Hutter & Hoffmann, 2024). On the other hand, ambush marketing implies a deliberate yet covert association of a brand with a major sporting event without a formal sponsorship agreement, thereby jeopardizing the exclusivity of official partners and undermining fair market competition (Faridniya et al., 2023).

The development of digital media and social networks has further blurred the line between permissible and unethical promotional activities in sports. Companies use algorithmic precision and real-time responsiveness to capitalize on sports moments without formal collaboration with event organizers (Khalid, 2024). This strategy is often justified by the argument of market and communication freedom but raises serious ethical and legal questions - especially when the audience is misled into believing that a brand holds official sponsorship status. According to research in the field of sports communication management, the phenomena of guerrilla and ambush marketing may increase brand recognition in the short term but, in the long run, undermine consumer trust and damage the credibility of sports organizations (DoorAndish et al., 2024).

In practice, ambush marketing is particularly problematic because it operates in a legal “gray zone.” While it may not necessarily violate intellectual property laws, it often breaches ethical standards and the principles of respect for the investments made by official sponsors (Grady, 2023). This becomes especially evident during major sporting events such as the Olympic Games. Some authors suggest that ambush marketing conducted by athletes through social media represents a new, hybrid form of associative advertising that requires a distinct normative and ethical framework (Geurin et al., 2025). The study indicates that athletes, either consciously or unconsciously, may become ambush actors through visual allusions, symbols, or hashtags that imply a connection with official events, thereby reducing the clarity of sponsorship relationships and increasing the risk of brand misidentification. The authors conclude that it is necessary to improve legal guidelines and monitoring mechanisms on social media in order to preserve fair market practices and protect the value of official sponsorships (Geurin et al., 2025).

The key challenge in the ethical analysis of these strategies lies in the tension between creative freedom and respect for market integrity (Dašić, Jeličić, 2016). Guerrilla and ambush marketing in sports raise the issue of responsibility - not only legal but also moral - since sport carries strong symbolic and social capital. Consequently, academic and professional circles increasingly advocate for a multidisciplinary approach that includes marketing, law, communication studies, and sports management in analyzing these phenomena (Faridniya et al., 2023; DoorAndish et al., 2024). This study aims to critically analyze the legal and ethical implications of guerrilla and ambush marketing in contemporary sports, based on recorded scientific research. It does this by analyzing current incidents that highlight the need for more responsible marketing techniques and clearer regulations.

Literature Review

Many authors (Baltes & Leibing, 2008; Hutter & Hoffmann, 2011; Alrabeeah & Artemisa, 2018) claim that ambush marketing is only one part of the larger strategic platform of guerrilla marketing, which uses unorthodox and disruptive communication strategies to help a brand gain visibility with few resources. It frequently relies on surprise, inventiveness, and opportunistic association with significant events without having official sponsorship rights.

Guerrilla marketing, as an unconventional promotional strategy, represents a dynamic instrument of modern communications aimed at provoking surprise, emotional reactions, and direct consumer interaction - often with minimal costs and maximum media resonance (Alsheikh, 2024). Research confirms that guerrilla campaigns based on creativity, surprise, and emotional activation significantly enhance consumer awareness and purchase intentions, especially among younger audiences who respond positively to humor, novelty, and immersive brand interactions (Khalid, 2024). Recent empirical work also shows that surprise-based guerrilla tactics - such as ambient and sensory interventions in retail and service environments - can significantly strengthen brand attitudes and purchase intentions by disrupting routine decision-making and creating memorable experiences (Alsheikh, 2024). From a digital perspective, the integration of guerrilla techniques with social media applications further amplifies these effects: systematic analyses indicate that such integration increases consumer engagement, boosts brand awareness, and positively shapes self-reported buying behavior in online settings (Gündüzyeli, 2025).

When discussing the legal aspects of guerrilla and ambush marketing, the work of Alexandrakis (2009) represents a key contribution to understanding how certain

countries, particularly the United Kingdom, regulate this phenomenon through specific legislation aimed at protecting major sporting events. The author analyzes national laws such as the Olympic Symbol etc. (Protection) Act 1995 and the London Olympic Games and Paralympic Games Act 2006, emphasizing their role in establishing “clean zones” and restricting unauthorized advertising during the London 2012 Olympic Games. These frameworks demonstrate how legal systems attempt to preserve the economic value of official sponsorships and prevent misleading associations that could undermine market integrity and stakeholder trust (Dašić, Milojević, Pavićević 2020).

The development of guerrilla and ambush marketing in the sports context aligns with broader changes in digital communication strategies. Ambush marketing has become particularly prominent with the expansion of social media, where brands can rapidly achieve visibility without official authorization. Geurin (2020) demonstrated that athletes’ personal use of social media during the Olympic Games creates opportunities for implicit commercial associations that challenge traditional sponsorship structures. Similarly, Grady (2023) argues that the digital environment has enabled increasingly subtle forms of ambush behavior, making legal enforcement more complex and opening debate on the ethical responsibilities of brands, athletes, and event organizers.

Ambush strategies often exploit ambiguities in the digital sphere, where temporary or low-visibility content can create the perception of official endorsement without crossing explicit legal boundaries. This significantly undermines the position of official sponsors, as digital audiences frequently fail to distinguish between paid partnerships and opportunistic associative messaging (Grady, 2023; Zarco & Herzallah, 2023). Empirical studies also confirm that misidentification of sponsors can negatively affect brand attitudes and purchasing intentions for official sponsors, thereby reducing the anticipated return on investment (Lin et al., 2023).

Although guerrilla marketing can enhance creativity and engagement, particularly for youth-oriented sports campaigns, ethical concerns arise when such strategies mimic ambush practices during large sporting events. Nufer (2013, 2016) has shown that ambush marketing can erode sponsorship value, distort consumer perceptions, and disrupt the competitive balance within the sponsorship market. These findings correspond with broader analyses indicating that audiences often struggle to differentiate official from unofficial sponsors, which creates reputational and financial risks for rights holders (Sandler & Shani, 1989).

In the digital era, the boundary between acceptable creative communication and deceptive brand association is increasingly blurred (Gündüzyeli, 2025). Companies rely

on social media, influencers, and interactive content to insinuate connections with major sports events while avoiding direct legal violations. Such strategies can be commercially effective but raise concerns regarding transparency and fair competition (Geurin, 2020; Grady, 2023). This highlights the need for stronger ethical frameworks and ongoing adaptation of legal regulations to contemporary communication environments.

Technological development also opens the possibility of automated monitoring tools to detect unauthorized brand associations in real time. While research in this field is emerging, recent digital marketing analyses suggest that algorithmic tracking of brand - event co-occurrence may become an essential instrument for rights protection (Zarco & Herzallah, 2023).

Contemporary scientific literature identifies several forms of ambush marketing, with four types most commonly distinguished: direct, indirect, associative, and dissociative models (Crow & Hoek, 2003; Meenaghan, 1994). Direct ambush marketing represents the most severe form, as a brand unlawfully uses protected symbols or event names, which can lead to serious legal consequences. Indirect ambush marketing is based on creating thematic or visual associations with the event without explicit trademark infringement, yet it still undermines the value of sponsorship rights. Associative ambush marketing results in consumer confusion, as the brand produces content that implies sponsorship despite lacking it - something research has confirmed as a strong source of misidentification among viewers of sporting events (Mazodier & Rezaee, 2013). The most recent form is dissociative ambush marketing, in which a brand openly denies being a sponsor while using the media and symbolic space of the event for promotion, thereby minimizing legal risk while increasing ethical concerns (Crow & Hoek, 2003).

It is possible to draw the conclusion that ongoing harmonization of legislative requirements, moral principles, and communication techniques is required by summarizing the results of earlier research. While ambush tactics need to be carefully regulated to maintain market integrity and public confidence, guerilla marketing has the potential to reinvent sports advertising. Recent real-world instances of multinational corporations using digital platforms during significant athletic events to build connections that straddle the line between creative advertising and ethical issues amply illustrate these patterns.

Research Metodology

This research is based on a qualitative methodology that integrates content analysis, a comparative review of existing literature, thematic coding, and a case study approach. The aim of the methodological framework is to provide a comprehensive understanding of the ethical and legal implications of guerrilla and ambush marketing. A multi-method qualitative design was applied, combining theoretical–thematic analysis, examination of legal frameworks, comparative assessment of previous studies, and an in-depth case study of the BrewDog campaign.

The analysis relies primarily on sources indexed in WoS and Scopus databases (2013-2025), as well as legal documents, industry reports, digital campaign materials, and media coverage. The screening process was inspired by PRISMA principles and included the following phases: identification of studies, selection based on thematic relevance, full-text evaluation, and final inclusion of eligible sources. The review incorporated studies related to ambush marketing, guerrilla marketing, sports sponsorship, consumer perception, and legal regulation, while studies unrelated to the sports context or based on outdated, empirically unverified concepts were excluded.

The hypotheses of the study are:

H1: Guerrilla and ambush marketing in sports, although effective tools for increasing brand visibility, lead to the violation of ethical principles and the undermining of the exclusivity of official sponsors.

H2: Guerrilla marketing, in both academic and practical contexts, is considered a moderately more acceptable form of unconventional advertising than ambush marketing, as it focuses on creative interaction with the audience without directly infringing sponsorship rights or intellectual property regulations.

This approach seeks to connect theoretical understanding of marketing strategies with concrete practical examples, with the aim of defining recommendations for sports organizations, sponsors, and regulatory bodies.

Implications of Guerrilla and Ambush Strategies for Brand Integrity and the Sports System

The contemporary sports ecosystem is characterized by high investment stakes in sponsorships and intense competition for audience attention; within this context, guerrilla and ambush strategies become “shortcuts” to visibility that, however, carry significant ethical and systemic consequences. Empirical research shows that ambush campaigns in digital environments (e.g., short video formats of 6–15 seconds; visual vs. textual messages) influence attitudes and purchase intentions, with the misidentification of “who the real sponsor is” acting as the key psychological mechanism that diminishes the effects of official investments (Lin, Chen, Chou, & Yeh, 2023).

At the level of market integrity, part of the literature shows that transparency and timely reactions by rights holders can mitigate harm. Experimental studies document that “name & shame” strategies - publicly disclosing ambush activities - reduce favorability toward the ambusher while simultaneously increasing goodwill toward the official sponsor, but only when the information is highly accessible in consumers’ minds (i.e., sufficiently visible and clearly explained within the communication channel) (Wolfsteiner, Grohs, & Reisinger, 2021).

On the other hand, research in the football context shows that both “clean” sponsorship and ambush interventions simultaneously shape audience reactions. Structural models based on fan samples demonstrate that ambush marketing can temporarily “hijack” attention and partially dilute the exclusivity of official sponsors – directly affecting return on investment and long-term brand equity (Chanavat & Martinent, 2021).

Digital platforms further intensify these tensions: analyses of “newsjacking” as a social media form of ambush marketing reveal that inconsistent yet persistent appropriation of hashtags and event narratives (Dašić, 2024a) enables nonlinear “entries” into audience attention - even when direct engagement is limited, the cumulative effect undermines the clarity of sponsorship rights and erodes the symbolic monopoly of official partners (Burton & McClean, 2020).

The ethical dimension is twofold. On the micro level, part of the audience perceives ambush marketing as a “clever but acceptable” move by smaller players against larger ones, relativizing normative frameworks and fostering tolerance for manipulative associations. On the macro level, the accumulation of such practices leads to a systemic problem - a decline in the clarity of sponsorship statuses and a “spillover” of benefits to non-investing actors, which reduces the incentive to invest in sports

through formalized partnerships (Dickson, Naylor, & Phelps, 2015; Wolfsteiner, Grohs, & Wagner, 2015).

In parallel, recent research on sponsorships linked to socially responsible initiatives warns that the “ethical credibility” of official partners (Dašić, 2023b) has become a highly sensitive resource: when ambush marketing blurs the message, the perceived *fit* between the sponsor and the sporting cause declines, as does the positive attitude toward the sponsor - particularly in environments with high expectations of transparency (Asada, Kunkel, & Biscaia, 2023).

Finally, broader sponsorship literature shows that the motivational structure of sponsors (altruistic vs. egoistic) modifies consumer reactions; in digital environments, ambush marketing can diminish the positive effects of partnerships perceived as “altruistic” by introducing doubt about the source and legitimacy of communication (Li, Chen, & Zhang, 2022).

In summary, the implications for brand integrity and the sports system are threefold:

(1) ambush marketing increases the risk of misidentification, thereby reducing the effectiveness of official investments;

(2) proactive and transparent counter-communication can correct perceptions but depends on the visibility and cognitive accessibility of the message (Jeličić, Vlajković, 2024);

(3) in the digital ecosystem, combined mechanisms - legal, communicational, and technological (e.g., hashtag tracking and tools for detecting associative infringements) - are required to preserve a fair distribution of value within the sports system. These arguments align with the findings from the abstract and methodology of this paper and will be further illustrated in a separate case study (2023) in the following section.

Case Study: BrewDog’s “Anti-Sponsorship” and the Boundaries of Ambush Marketing

Within contemporary research on marketing ethics and intellectual property law, the BrewDog case represents one of the most significant examples for examining the boundaries between creative and contentious advertising. Its campaign, “Proud Anti-Sponsor of the World F* Cup,” launched during the 2022 FIFA World Cup in Qatar, generated extensive professional debate about where corporate activism ends and ambush marketing begins. For this reason, the case serves as a foundation for critically reconsidering the relationship between a brand’s ethical intentions and the commercial benefits derived without holding formal sponsorship rights.

The focus of the analysis extends beyond the campaign itself to its legal, communication, and market implications in a broader context - particularly in the post-2020 environment, where digital ecosystems and social media enable new and more complex forms of associative advertising. This perspective allows us to understand how BrewDog's "anti-sponsorship" fits within existing regulatory and ethical frameworks, as well as how it influenced the development of strategies and policies for the protection of sponsorship rights in the sports industry. Moreover, the case - and its normative and market repercussions - shaped legal frameworks and communication practices related to the 2023 Women's World Cup and the wider sports context (Ashurst, 2023; LawInSport, 2023; Grady, 2023).

In November 2022, BrewDog launched a self-declared "anti-sponsorship" campaign targeting the Qatar World Cup. Out-of-home displays, social media content, and a dedicated landing page explicitly emphasized that the company was not an official sponsor, while slogans such as "Proud Anti-Sponsor of the World F*Cup" and "The Beautiful Shame" criticized the event and its organizer, accompanied by messages related to human rights (BrewDog, 2022). The key tactical line was dissociation - avoiding protected names and marks (e.g., "FIFA"), while still engaging associatively with the event discourse, thereby commercially capitalizing on massive media visibility without purchasing rights (Ashurst, 2023). The campaign generated significant public attention and media controversy, which is a typical "multiplier effect" in ambush strategies, where earned media amplifies reach (The Guardian, 2023).

Legal analyses classify this approach as indirect or distractive ambush marketing: there is no claim of false partnership, yet there is an evident "riding the wave" of the event (Ashurst, 2023). The risks of trademark or passing-off claims are lower when the absence of official association is clearly stated and protected marks are not used (Ashurst, 2023). However, as sports-law reviews indicate, rights holders increasingly rely on special regulations and "clean zones" to prevent even indirect forms of associative exploitation (LawInSport, 2023). Trends surrounding Rule 40 in the Olympic context (with relaxed guidelines for Paris 2024) further illustrate how regulators balance sponsor protection with participants' freedom of communication (IOC, 2024; Lewis Silkin, 2024).

Ethically, BrewDog's model stands at the boundary between corporate activism and economic free-riding on investments made by official partners: the brand enhances its visibility and moral credibility among segments of the audience, yet simultaneously undermines the perceived value of sponsor exclusivity (Ashurst, 2023; Grady, 2023). Academic research shows that sponsor misidentification and the cognitive availability of messages - particularly on social media - shape consumer attitudes and

purchase intentions, serving as the mechanism through which ambush marketing reduces the ROI of official sponsors (Lin, Chen, Chou, & Yeh, 2023; Wolfsteiner, Grohs, & Reisinger, 2021; Chanavat & Martinent, 2021; Stanković, 2025).

A clearer understanding of the legal dimension of BrewDog's campaign emerges when it is positioned within the broader regulatory environment governing ambush marketing during major sporting events. Recent legal analyses emphasize that contemporary regulations increasingly distinguish between the unlawful misuse of protected event symbols and legally permissible, yet ethically contentious, associative or dissociative strategies (Irwin Mitchell, 2023). This distinction is essential for interpreting BrewDog's approach: by avoiding trademark infringement while strategically leveraging the event's global media visibility, the campaign remained within the boundaries of legality while simultaneously challenging the integrity and exclusivity of official sponsorship arrangements.

Although BrewDog did not conduct a comparable "anti-WWC 2023" sponsorship activation, the legal - communication matrix established by its 2022 campaign became a reference point for brands seeking to "be part of the conversation" during the 2023 Women's World Cup without holding official rights. Legal guidance issued for WWC 2023 warned against indirect ambush tactics - such as thematic allusions, color schemes, slogans, and visual codes - as well as escalation dynamics on social media, where monitoring is more difficult and responses must be swift and proportionate to avoid creating a Streisand effect (LawInSport, 2023; Robertson, 2023; Irwin Mitchell, 2023).

Sponsor recognition data further demonstrated that official partners can increase consumer consideration when they communicate their sponsorship status proactively and transparently, serving as a countermeasure to ambush activity (YouGov, 2023; Dašić, 2024b). At the same time, "name-and-shame" strategies proved effective only when they are cognitively accessible to audiences and do not appear excessively punitive (Wolfsteiner et al., 2021).

Evaluation of Impact - What This Case Teaches About "Dissociative" Advertising:

1. Legal risk profiling. Clear dissociation ("not a sponsor"), avoidance of protected indicators, and an articulated activist narrative reduce the likelihood of a successful claim for misrepresentation or passing off (Ashurst, 2023).
2. Ethical ambivalence. Although the campaign foregrounds value-driven messages (human rights), the outcome still involves commercial free-riding on the investments of official partners, which undermines incentives for future sponsorships (Grady, 2023; FIFA, 2025).

- 3. A model for post-2020 events. This campaign architecture has become a blueprint for brands seeking to “be present” during major events without rights - hence the tightening of guidance and regulatory practices around WWC 2023 and Paris 2024 (LawInSport, 2023; IOC, 2024).
- 4. Countermeasures for rights holders. Preventive planning, detailed exclusivity clauses, digital-platform monitoring, and moderate, well-explained “name-and-shame” disclosures often produce better results than aggressive litigation (Wolfsteiner et al., 2021; Lewis Silkin, 2024; FIFA, 2025).

Table 1 clearly positions ambush strategies along ethical and legal axes. This is particularly useful in evaluating the BrewDog case, as it shows how dissociative models may remain legally permissible while simultaneously posing significant concerns for market fairness and the protection of official sponsors’ investments.

Table 1. Ethical Decision-Making Matrix in Ambush Marketing

Ethical Dimension	Key Question	Risk Level	Illustrative Example
Transparency	Does the brand clearly disclose that it is <i>not</i> an official sponsor?	Low–Medium	BrewDog’s “Not an Official Sponsor” campaign
Consumer Misleading	Could the communication cause consumers to misidentify the sponsor?	Medium–High	Associative ambush messaging
Respect for IP Rights	Does the campaign avoid unauthorized use of protected event symbols?	Low–High	Direct ambush using event logos or trademarks
Fair Market Behavior	Does the strategy undermine the exclusivity purchased by official sponsors?	Medium–High	Indirect thematic association campaigns
Social Responsibility	Does the communication genuinely serve the public interest or merely exploit controversy?	Low–Medium	Dissociative ambush (e.g., moral-positioning campaigns)

BrewDog’s “anti-sponsorship” activation from 2022 represents a paradigmatic example of dissociative ambush marketing: legally cautious, communicatively aggressive, and ethically contentious. Its “lesson” is twofold: (a) brands can capitalize on an event’s narrative without holding formal rights, particularly through digital channels; and (b) rights holders and official sponsors must enhance their legal-communication orchestration - from the registration of indicia and establishment of clean zones to algorithmic monitoring and smart, transparent counter-communication - in order to preserve the value of sponsorships and maintain market trust.

Conclusion

The research has shown that guerrilla and ambush marketing in the sports context represent one of the most sensitive areas of modern marketing practice, as they challenge the boundary between creative innovation and the preservation of integrity in sports events and market fair play. Based on the analysis of documented literature and the BrewDog case study, it was determined that “dissociative” forms of advertising - those that explicitly deny formal partnership yet symbolically exploit the media value of an event - allow brands to increase visibility and reputation without the legal risk of direct infringement, but at the cost of ethical controversy and the erosion of official sponsors’ exclusivity.

Guerrilla marketing, in comparison to ambush marketing, is academically and practically recognized as a more refined and ethically acceptable form of unconventional promotion. Its creative nature, grounded in audience interaction without directly violating sponsorship rights, enables brands to achieve surprise and distinctiveness while maintaining communication integrity and compliance with intellectual property regulations.

Recent studies confirm that the effects of such strategies depend on audience perception and the cognitive accessibility of messages: when consumers misinterpret a brand’s sponsorship status, the result is a decrease in sponsorship value and overall trust in the sports system (Lin et al., 2023; Wolfsteiner et al., 2021). Although an increasing number of countries have introduced protective mechanisms (e.g., “clean zones,” intellectual property regulations, and restrictions on associative references), digital communication environments make control difficult, and traditional legal instruments often lag behind the speed of message dissemination. Consequently, the integrity of the sports system becomes a matter not only of regulation but also of corporate responsibility, transparency, and media ethics (Grady, 2023; Asada et al., 2023).

The BrewDog case further highlighted the phenomenon of “activist ambush,” in which a moral or critical discourse is used as a protective framework for commercial performance. This model raises the question of whether corporate ethics can justify a privileged market position achieved without paid rights, especially in events with clearly defined sponsorship structures. Such examples open space for new academic debate on whether it is necessary to normatively distinguish between “socially engaged” and “commercially motivated” ambush marketing - and to what extent both may be considered legitimate forms of communication in sport.

Limitations and Future Research

The main limitations of this study stem from the small number of documented post-2023 cases available in WoS and Scopus literature, as well as the reliance on a qualitative, secondary-data approach, which restricts the general applicability of the findings. The research also lacks empirical evidence on how consumers, sponsors, and event organizers perceive ambush and guerrilla strategies, and does not include quantitative assessments of their impact on brand value.

Future studies should:

- (1) empirically examine public perceptions of “activist” and “commercial” ambush campaigns;
- (2) develop tools for measuring ethical risk in sports marketing;
- (3) apply algorithmic methods for detecting associative ambush content online;
- (4) compare practices across different sports and cultural settings; and
- (5) evaluate long-term effects on brand equity and the financial stability of sports organizations.

Overall, stronger integration of legal, communicational, and ethical frameworks is needed to balance marketing innovation with the principles of fairness, transparency, and accountability in sport.

Author Contributions

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