

# **MOOT PROPOSITION**

## **Ambush Marketing and Infringement of Personality Rights**

The bustling roads of Indus, renowned for its sporting spirit, Mr. Vidyut Singh, a prominent businessman, owned several chains of high-end sports apparel stores across Indus and other countries. Ms. Avani Sharma, a promising young badminton player had great admiration for Mr. Singh's brand and decided to approach Mr. Singh seeking sponsorship for her participation in the prestigious International Indus Commonsport Games 2025. Mr. Singh, however, declined her request, citing budgetary constraints and a lack of alignment with his current marketing strategy.

Disheartened to hear the decision of Mr. Singh, Avani decided to approach other brands to secure the sponsorship and with the support of her coach and family, she managed to secure a sponsorship from "NovaSports," an up-and-coming start-up specializing in innovative and lightweight sports equipment. The International Indus Commonsport Games was spread across 5 days and during those 5 days, everyone across the globe witnessed and appreciated Avani's meteoric rise. On her first International game, she managed to win the hearts of millions and qualified for the quarterfinals ultimately, her spirit and exceptional skills led her team to victory, clinching 5 gold medals for her country Indus.

Avani's triumph and sportsmanship were celebrated across the country, and her sponsor NovaSports garnered significant public attention and investor interest. The demand for NovaSports products skyrocketed as consumers from young kids to trained athletes gravitated towards the brand associated with the country's new sporting hero. This surge in popularity of NovaSports had a direct impact on Mr. Singh's sales, as consumers increasingly opted for NovaSports products.

**KNOWLEDGE EMPOWERS**

Mr. Singh who was also one of the major investors of the NovaSports decided to celebrate Avani's and other player's success and launched a marketing campaign in his stores. He published a congratulatory message on his social media platforms, the post on the social media read the following "As a proud investor at NovaSports I am happy to congratulate Ms. Avani Sharma and other players for their tremendous performance at the International Indus Commonsport, 2025" The congratulatory post featured Avani's image prominently in the middle along with other players with the logo of NovaSports and Mr. Singh's brand. He also announced a 30% discount across all his stores to celebrate the achievements of all the decorated players. Furthermore, he revamped his website and inserted a slider showcasing an old video of Avani as a young trainee, where she expressed her admiration for Mr. Singh's renowned brand and her desire to play with the badminton racket sold at his store. To further celebrate the success, Mr. Singh put up several billboards with Avani's image with his company logo around the country. Seeing the campaign all the decorated players who were featured on the campaign expressed heartfelt gratitude to Mr. Singh and appreciated his efforts for the campaign and including their faces in it.

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However, this campaign somehow misled the public into believing that Avani was sponsored by Mr. Singh. The public perception shifted, with many assuming that Mr. Singh who is one of the major investors of the start-up had acquired NovaSports. These actions did not escape the notice of the NovaSports PR team and Avani's management. Deeply aggrieved by Mr. Singh's exploitative tactics and the blatant misrepresentation of her association with his company, Avani decided to take legal action. She filed a lawsuit against Mr. Singh at the Justice Court of Indus (laws of Indus are parimateria to laws of India) alleging that his actions constituted ambush marketing, infringed upon her personality rights, and unlawfully exploited her image for commercial gain without her consent. While the suit was going on, NovaSports requested to be added as a party of the suit on the grounds of trademark infringement and anti-competitive practices

## Key Legal Issues:

- Q1. Did Mr. Singh by adding the logo of NovaSports infringed the trademark rights of the company? Can NovaSport become party to the suit?
- Q2. Mr. Singh's campaign celebrated other decorated players and was well-received by other players who were featured in it, hence can Mr. Singh's actions constitute ambush marketing?
- Q3. Whether Mr. Singh's actions amounted to unfair competition against NovaSports, the legitimate sponsor of Avani?
- Q4. By being a major investor of NovaSports can Mr. Singh use Avani's picture on his campaign? Does the celebratory campaign organized by Mr. Singh amount to infringing on Avani's Personality Rights?

