Regulating “The Twitter Olympics:” Analyzing Efforts to Regulate Social Media and Ambush Marketing at the London 2012 Olympics

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Billed as the “Twitter Olympics,” the London 2012 Summer Games saw staggering numbers of fans engaged in conversations about the Olympics using social media (Sutter, 2012). Far outpacing the social media usage at both the Beijing 2008 and Vancouver 2010 Olympics, the omnipresence of social media at the London 2012 Games confirmed its widespread adoption as a way for sports fans to communicate in real-time about mega sporting events. Social media also provided an innovative cross-promotional platform for Olympic brands to engage new audiences while also creating new opportunities for ambush marketing. Non-sponsor Nike developed their #RiseAbove campaign via Twitter in conjunction with YouTube videos (Goldberg, 2012) as well as linked their wildly successful “Find your Greatness” campaign into its Nike+ digital ecosystem, a concept with over 8.5 million worldwide members (Smith, 2012).

Recognizing the unique role that social media would play during London 2012, the International Olympic Committee (IOC) was mindful that the potential for ambush marketing had to be addressed. As a result, the IOC created blogging, social media, and Internet guidelines for Olympic participants and other accredited personnel (IOC, 2011). While some of the impetus for creating the London 2012 social media policy may have been to provide additional legal protections for official sponsors from ambush marketing (Hutchins & Mikosza, 2010), implementing and enforcing the policy may have proved to be the larger challenge. The purpose of this study was to first identify the efforts to regulate social media utilized during the London 2012 Olympic Games, and second, through analysis of London’s efforts, determine the legal effectiveness of this “new” sponsorship protection strategy in managing the ongoing problem of ambush marketing.

Just as social media has evolved and grown dramatically in the past five years, so have legal strategies to manage these practices. For example, in 2007, blogging proliferated resulting in several sport organizations imposing blogging restrictions on sports media and even ejecting sports journalists for impermissible blogging (Bozich, 2007; NCAA, 2008). The Beijing Olympics marked another layer of regulation as the IOC embraced the potential impact social media could have from the perspective of athletes and placed a renewed emphasis on Rule 40 of the Olympic Charter, which prohibits any competitor, coach, trainer, or official participating in the Olympic Games from allowing his person, name, picture, or sports performance from being used for advertising purposes (London Organizing Committee, 2011). The current guidelines extended those restrictions to posting, blogging, tweeting, or using other social media platforms (IOC, 2011). The London Olympics added yet another layer of regulation by incorporating social media among anti-ambush marketing strategies impacting not just media organizations and athletes, but also fans, casual spectators, and local businesses. These restrictions were sharply criticized prior to and during the Games (Knibbs, 2012; Schwartzman, 2012a).

Legal scholars have examined these restrictions from a number of perspectives including contract law, constitutional law, and labor law (Epstein, 2011; Schwartzman, 2012b), but have yet to agree on the legality of these restraints and the permissible scope of such restraints. In addition, the controversial practice of ambush marketing remains an ongoing concern at mega sporting events and seems resilient to current brand protection strategies (Grady & Bernthal, 2010). Consequently, Great Britain enacted “one of the most stringent pieces of anti-ambush marketing pieces of legislation” (Smith, 2012, p. 1). The IOC’s renewed emphasis on Rule 40 together with the British legislation (LOGPG, 2006) restricting advertising and ambush marketing during the 2012 Olympics created an intersection of restrictions which is untested legally (Pelanda, 2012). There is also a dearth of academic research published on the challenges of marketing through social media (Kim, Jeong & Lee, 2010), and the only guidance for integrating social
media into marketing communications comes primarily from the popular business press (Faulds & Mangold, 2009). Because the study of social media is still in its infancy, academics and practitioners alike are striving to understand the effects of consumer-to-consumer conversations in the digital marketplace (Martin, 2012).

Application of the London 2012 social media policy and its counterpart IOC Rule 40 produced odd and unintended results, calling into question its effectiveness as an ambush marketing strategy going forward. Enforcing social media regulations specifically directed at competing Olympic athletes, in particular, is an ambush strategy that was never as visible as it was in London. Several American track athletes, some sponsored by Nike, took to Twitter using the hashtag #wedemandchange to voice frustration with Rule 40’s prohibitions on acknowledging their personal sponsors at the pinnacle of their athletic accomplishments (Belson, 2012). The IOC was forced to respond during the height of the Games, by stating “we absolutely would not stop the athletes from making their views known” (Belson, 2012, p. 1). A second example of alleged ambush marketing was Beats Electronics’ recognizable headphones, Beats by Dre, worn prominently by American and British Olympic athletes prior to competition. Several British athletes received their own unique versions of the headphones prior to the start of the Games. Footballer Jack Butland tweeted “Love my GB Beats by Dre,” while swimmer Laura Robson also took to Twitter to thank Dre for the gift but the post was later removed (Sweney, 2012).

With each successive Olympic Games, event organizers have implemented stricter measures to ensure that official sponsors are protected from ambush marketing (McKelvey & Grady, 2008). However, the social media policies and special legislation put in place to control ambush marketing for London 2012 were not able to fully address the challenges posed by social media. The evolution of social media, however, confounds contemporary sponsorship protection and defies traditional legal remedies. With another four years until Rio 2016, social media will clearly be “a massive platform for both sponsors and non-Games sponsors” and regulating this space will become even more challenging (Smith, 2012, p. 1). Determining if and how regulating social media eventually “fits” into existing anti-ambush strategies remains an open question.

This presentation presents an analysis of efforts to regulate social media during the 2012 Olympic Games and an examination of the legal effectiveness of sponsorship protection guidelines related to ambushing marketing during the Games. The presentation also explores the future viability of sponsorship protection efforts which restrict athlete promotional activities or social media as part of a comprehensive brand protection strategy.