

## Avoid an advertising red card: Middle Eastern considerations for your Qatar '22 campaign

As the 2022 Football World Cup (**Qatar World Cup**) draws nearer, all eyes are on the Middle East with this being the first time that the tournament has been hosted in the region. Brands around the world will undoubtedly be gearing up to get into the football spirit and roll out football-themed campaigns, promotions and other activations. However, brands will need to take care to ensure that their forthcoming campaigns do not fall foul of local Qatari laws, including Law No. 10 of 2021 (**World Cup Law**), FIFA rules and guidelines (including the FIFA Intellectual Property Guidelines (**IP Guidelines**) and the FIFA Media and the Marketing Regulations (**MMRs**)<sup>1</sup>) as well as other regional laws and regulations in the Middle East.




Here are some of the relevant rules that brands should be aware of, along with some tips and (hat)tricks that you may want to consider to help avoid a campaign foul!

<sup>1</sup> These apply to participating member associations and delegation members (ie the national member associations and teams, staff etc). Nevertheless, brands should be mindful of the provisions of the MMRs to help ensure that they do not inadvertently put anyone connected to the tournament in breach of the MMRs through campaign activations.



### Red cards

Brands should be mindful of committing the following fouls, which are likely to violate local Qatari laws as well as FIFA and other third party rights:

-  **FIFA has possession (no use of FIFA's IP without permission):** The ability to use FIFA's IP is reserved for official sponsors / partners and other third parties authorised by FIFA (**Official Rights Holders**), subject to any restrictions agreed between FIFA and the relevant Official Rights Holder. The [IP Guidelines](#) set out a non-exhaustive list of official FIFA tournament IP (which includes the official emblem, mascot, various trade marks and logos and the official tournament font). Official tournament-related content (eg match footage, photographs and songs) are also FIFA IP and should not be used without permission.
-  **Don't be caught offside (restricted-area advertising):** The World Cup Law prohibits brands that are not Official Rights Holders from advertising or carrying out other commercial activities in any "Controlled Commercial Area" - essentially any area that is within a 2km radius of a tournament stadium or other official activity venue. This restriction is in place for the "Tournament Time Period" which is ten days leading up to the tournament start date of 20 November 2022 until five days after the final takes place on 18 December 2022. Additionally, the [MMRs](#) set out restrictions on promotional activities that can be undertaken by participating teams and players in other official sites (for example, the team hotel and training facilities).
-  **Ticket troubles:** Promotional activities involving match tickets as well as tickets to access other official areas is reserved for certain Official Rights Holders. Accordingly, brands should not offer tickets as a prize or incentive or advertise packages which include tickets (eg travel / tourism packages which include a ticket) unless they have approval from FIFA.



## Yellow cards

Whilst the World Cup is being hosted in Qatar, the buzz of the tournament will be felt across the region. Brands planning activations in neighbouring countries should consider the following regional sensitivities for their on-the ground activities in the Middle East and online campaigns targeting Middle East consumers:

- ⚽ **Cultures of the World Cup:** Culture sensitivities will apply to different countries. In the Middle East particular care should be taken to not use any content that is religious, political, insensitive to Arab culture or heritage, sexual or suggestive in nature (including featuring individuals in campaigns wearing clothing that could be considered sexually provocative), or content featuring alcohol or gambling.
- ⚽ **Flag on the play:** Many jurisdictions allow national flags to be used in marketing (though care should be taken to ensure that such use is not offensive or misleading). For example, the England flag can generally be used freely subject to the aforementioned-restrictions. By contrast, many Middle Eastern countries generally do not allow national flags to be used for commercial purposes. For example, there are restrictions on the use of the Qatar flag for commercial and advertising purposes. Equally, the UAE places strict controls around the use of its national flag, emblem, anthem and currency for advertising purposes.
- ⚽ **Fan footage:** Many countries across the Middle East have recently enacted data protection laws and so privacy rights are much more on the regulatory agenda than was previously the case in the region. This should also be considered alongside some of the regional cultural sensitivities – for example, a crowd shot or fan zone footage which depicts individuals drinking alcohol may be more likely to trigger a complaint in the Middle East than other regions.
- ⚽ **It all comes down to penalties...** Keep in mind that penalties in some Middle Eastern countries may be more severe than in other territories. For example, under the recently enacted UAE Cybercrimes Law publishing misleading advertising online carries a potential penalty of imprisonment and/or a fine of up to AED 500,000 (approximately USD \$136,000). Failure to comply with some of the cultural sensitivities detailed above often also attracts criminal liability in the region.

## Staying inside!

Given the potential consequences for failing to comply, each campaign should be considered on a case-by-case basis. Nevertheless, here are **our three (hat)tricks which brands may consider to help compliantly run marketing campaigns** which hit the back of the net:

1. **Avoiding unauthorized associations:** brands that are not Official Rights Holders are still generally able to engage with the football festivities, provided that they do not use FIFA IP or imply an official association with FIFA or the tournament. For example, the IP Guidelines confirm that FIFA encourages the use of generic football or country-related imagery and/or terminology (though care should be taken to ensure that this does not contravene the regional sensitivities outlined above).
2. **Team spirit (co-promotions):** some Official Rights Holders may be permitted by FIFA to engage in co-promotional activities with third party brands. The IP Guidelines confirm that brands wishing to get involved in the tournament action should consider getting in touch with an Official Rights Holder to explore this possibility further.
3. **Quick reactions (reactive marketing):** celebrating or reacting to an iconic moment can be a good way to capitalize on the tournament festivities without creating an impression that there is any official association. However, care should be taken not to use any FIFA IP when doing this. For example, the IP Guidelines confirm that FIFA does not allow re-tweeting or sharing of official tournament content by brands.

## Get in touch

This information does not, and is not intended to, constitute legal advice and is for general information purposes only. Further legal considerations need to be made specific to the region you intend to market in and the context surrounding your campaign thoroughly analyzed.

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