

ADDITIONAL CITATIONS FOR SOURCES FOR 6TH EDITION

CHAPTER 1: ADDITIONAL CITATIONS FOR WEBSITE

The role of sports to promote social inclusion

See, e.g., Roger I. Abrams, *Cricket and the Cohesive Role of Sports in Society*, 15 Seton Hall J. of Sports and Enter. L. 39 (2005) (discussing this in Bermuda and South Asian sub-continent); Pasquale Moliterni & Gianni Caione, *Sport & Good Practices of Integration for the Encounter among Cultures in the New Millennium*, 3 Int'l J. of Sci. Culture & Sport 84-97 (2015) (discussing inclusion in sport as a whole, as well as racism, xenophobia, the disabled population, socially disadvantaged, and gender issues); Peter Donnelly & Jay Coakley, *The Role of Recreation in Promoting Social Inclusion*, Laidlaw Found. Working Paper Series (2002) (discussing social inclusion, its history and its context); Naofumi Suzuki, *A Capability Approach to Understanding Sport for Social Inclusion: Agency, Structure and Organisations*, 5 Soc. Inclusion 150-58 (2017) (case studies and what author calls “micro, meso, and macro” analyses of the benefits of sport inclusion).

History and development of the commissioner’s role:

J.G. Taylor Spink, *Judge Landis and 25 Years of Baseball* (St. Louis, Mo.: Sporting News Press, 1974); Harold Seymour, *Baseball: The Golden Age* (New York: Oxford University Press, 1971); Red Barber, *1947: When All Hell Broke Loose in Baseball* (New York: Doubleday, 1982); Bowie Kuhn, *Hardball: The Education of a Baseball Commissioner* (New York: Time Books, 1987); and David Harris, *The League: The Rise and Decline of the NFL* (New York: Bantam Books, 1986). See also, Colin J. Daniels and Aaron Brooks, *From the Black Sox to the Sky Box: The Evolution and Mechanics of Commissioner Authority*, 10 Tex. Rev. Ent. & Sports L. 23 (2008). A detailed and readable account of baseball owners’ relations with their commissioners (and players and fans) is John Helyar, *Lords of the Realm: The Real History* (New York: Villard Books, 1994).

The Black Sox scandal was dramatized in Eliot Asinof, *Eight Men Out* (New York: Henry Holt, 1963), which was later made into a movie of the same name. Gene Carney recently offered a revised version of the scandal in *Burying the Black Sox: How Baseball’s Cover-Up of the 1919 World Series Fix Almost Succeeded* (Washington, Potomac Books, 2006). See also, David Pietrusza, *Rothstein, The Life, Times, and Murder of the Criminal Genius Who Fixed the 1919 World Series* (New York: Carroll & Graf 2003). For a fanciful recreation of the baseball life of a Hall of Fame pitcher accused of throwing the 1905 World Series, see Roger I. Abrams and Alan Levy, *The Trial of Rube Waddell*, 19 Seton Hall J. of Sports and Enter. L. (2009).

For contemporary treatment of gambling issues, see Marc Edelman, *Are Commissioner Suspensions Really Any Different From Illegal Group Boycotts? Analyzing Whether the NFL Personal Conduct Policy Illegally Restrains Trade*, 58 Cath. U. L. Rev. 631 (2009). Of related interest, both basketball and hockey draw a distinction between betting on a game and being involved in the “fix” of a game. While the former is explicitly made a disciplinary offense, only the latter is singled out for immediate expulsion from the sport. The NFL constitution does not explicitly address gambling. See, generally, Jerome Holtzman, *The Commissioners: Baseball’s Midlife Crisis* (Total Sports Press, 1998); Thomas J. Arkell, *National Hockey League Jurisprudence: Past, Present, and Future*, 8 Seton Hall J. Sport L. 135 (1998); Alfred G. Feliu, *Foreword: Discipline In Professional Sports*, 17 Hofstra Lab. & Employment L.J. 129 (1999); and Matthew J. Parlow, *Off Court Misbehavior: Sports Leagues and Private Punishment*, 99 J. Crim. L. & Criminology 573 (2009).

Commissioner Giamatti’s lifetime ban on Pete Rose:

See also Matthew Pachman, *Limits on the Discretionary Powers of Professional Sports Commissioners: A Historical and Legal Analysis of Issues Raised by the Pete Rose Controversy*, 76 Va. L. Rev. 1409 (1990); Paul Weiler, *Renovating Our Recreational Crimes*, 40 New Eng. L. Rev. 809 (Spring, 2006). Further analysis comes from James Reston Jr., *Collision at Home Plate: The Lives of Pete Rose and Bart Giamatti* (New York: Burlingame Books, 1991). Mr. Rose offers his version of events in *My Prison Without Bars* (with Rick Hill) (New York: St. Martin Press, 2004). Another useful account of this case is Michael Y. Sokolove, *Hustle: The Myth, Life, and Lies of Pete Rose* (New York: Simon and Schuster, 2d ed. 1992). And for the views of another co-author of *Sports and the Law* about Pete Rose, gambling on sports, and gambling generally, see Paul C. Weiler’s *Leveling the Playing Field: How the Law Can Make Sports Better for Fans* (Harvard University Press, 2000), and its Chapter 3, “The Deadliest Sin in Sports.”

Commissioner Kuhn’s powers regarding nascent free agency in baseball:

See Kuhn, *Hardball: The Education of a Baseball Commissioner*, note **Error! Bookmark not defined.** above, at 173–87 and 259–64. A revealing counterpoint to Kuhn’s account of these times and these cases can be found in the memoirs of the leader of the Major League Baseball Players Association when it won free agency for its members. See Marvin Miller, *A Whole Different Ball Game: The Sport and Business of Baseball* (New York: Birch Lane Press, 1991).

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Impact of *Board of Regents*

For initial analysis of the *Board of Regents* decision and its impact, see David Greenspan, *College Football's Biggest Fumble: The Economic Impact of the Supreme Court's Decision in National Collegiate Athletic Association v. Board of Regents of the University of Oklahoma*, 33 *Antitrust Bulletin* 1 (Spring 1988). For a later treatment, see D. Kent Meyers and Ira Horowitz, *Private Enforcement of the Antitrust Laws Works Occasionally: Board of Regents of the University of Oklahoma v. NCAA, A Case in Point*, 48 *Oklahoma L. Rev.* 669 (1995), authored by the chief counsel and the expert witness for the Oklahoma Regents, respectively.

Special economic features of sports leagues

Walter C. Neale, *The Peculiar Economics of Professional Sports: A Contribution to the Theory of the Firm in Sporting Competition and in Market Competition*, 78 *Quarterly J. of Econ.* 1 (1964); James Quirk & Mohammed El Hodiri, "The Economic Theory of a Professional Sports League," Chapter 1 of Roger Noll, ed., *Government and the Sports Business* (Washington, D.C.: Brookings, 1974); Henry G. Demmert, *The Economics of Professional Team Sports* (Lexington, Mass.: D.C. Heath, 1973); George G. Daly, "The Baseball Player's Labor Market Revisited," Chapter 1 of Paul M. Sommers, ed., *Diamonds Are Forever: The Business of Baseball* (Washington, D.C.: Brookings, 1992); and John Vrooman, *A General Theory of Professional Sports Leagues*, 61 *So. Econ. J.* 971 (1995). For a review of the economic literature, see Stefan Szymanski, *The Economic Design of Sporting Contests*, 41 *J. Econ. Lit.* 1137 (2003).

Sports leagues as single entities

Compare Myron C. Grauer, *Recognition of the National Football League as a Single Entity Under Section 1 of the Sherman Act: Implications of the Consumer Welfare Model*, 82 *Michigan L. Rev.* 1 (1983); Gary R. Roberts, *Sports Leagues and the Sherman Act: The Use and Abuse of Section 1 to Regulate Restraints on Intraleague Rivalry*, 32 *UCLA L. Rev.* 219 (1984); John C. Weistart, *League Control of Market Opportunities: A Perspective on Competition and Cooperation in the Sports Industry*, 1984 *Duke L.J.* 1013 (all arguing for single entity treatment in most if not all sports settings); Daniel E. Lazaroff, *The Antitrust Implications of Franchise Relocation Restrictions in Professional Sports*, 53 *Fordham L. Rev.* 157 (1984) (arguing against the single entity theory); and Gary R. Roberts, *The Single Entity Status of Sports Leagues Under Section 1 of the Sherman Act: An Alternative View*, 60 *Tulane L. Rev.* 562 (1986) (rebutting Lazaroff). A second round took place at the end of the 1980s. See Daniel E. Lazaroff, *Antitrust and Sports Leagues: Re-Examining the Threshold Questions*, 20 *Arizona State L.J.* 953 (1988) (against); Lee Goldman, *Sports, Antitrust, and the Single Entity Theory*, 63 *Tulane L. Rev.* 751 (1989) (against); Myron C. Grauer, *The Use and Misuse of the Term "Consumer Welfare": Once More to the Mat on the Issue of Single Entity Status for Sports Leagues Under Section 1 of the Sherman Act*, 64 *Tulane L. Rev.* 71 (1989) (in favor); Gary R. Roberts, *The Antitrust Status of Sports Leagues Revisited*, 64 *Tulane L. Rev.* 117 (1989) (in favor); and Michael S. Jacobs, *Professional Sports Leagues, Antitrust, and the Single-Entity Theory: A Defense of the Status Quo*, 67 *Indiana L.J.* 25 (1991) (against). For a post-*Copperweld* argument that the degree of league revenue sharing should be crucial to the characterization of a sports league as a single entity or a joint venture, see Note, *A Substantive Test for Sherman Act Plurality: Applications for Professional Sports Leagues*, 52 *U. of Chicago L. Rev.* 99 (1985). Does this argument square with

the Court's statement in *Copperweld* that single-entity status should not turn on the voluntary structural and operational choices of a business pursuing optimal efficiency?

Monopoly Structure of Leagues

Chapter 19 of Paul Weiler's *Leveling the Playing Field* (Cambridge, MA: Harvard University Press, 2000), titled "Expand or Break Up the Big Leagues," provides his analysis of the reasons and implications of the fact that all the major leagues have now become dominant monopolies in their respective sports, in the product as well as the player markets. *See also* Stephen F. Ross, *Monopoly Sports Leagues*, 73 Minnesota L. Rev. 643 (1989) (a shorter version of which appears as Chapter 8 of Paul D. Staudohar and James A. Mangan, eds., *The Business of Professional Sports* (Urbana, Ill: University of Illinois Press, 1991)). For a contrasting point of view to Ross' on many of the issues, see Thane N. Rosenbaum, *The Antitrust Implications of Professional Sports Leagues Revisited: Emerging Trends in the Modern Era*, 41 U. of Miami L. Rev. 729 (1987). Valuable economic analyses of those issues can be found in Andrew Zimbalist's book, *May the Best Team Win: Baseball Economics and Public Policy* (Washington, D.C.: Brookings Institution Press, 2003) and the article by Donald L. Alexander, *Major League Baseball: Monopoly Pricing and Profit Maximizing Behavior*, 2 J. of Sports Econ. 341 (2001).

History of rival sports leagues

Harold Seymour, *Baseball: The Early Years* (New York: Oxford University Press, 1960), and *Baseball: The Golden Years* (New York: Oxford University Press, 1971); David Cruise and Alison Griffiths, *Net Worth: Exploding the Myths of Pro Hockey* (New York: Viking Press, 1991); Terry Pluto, *Loose Balls: The Short Wild Life of the American Basketball Association* (New York: Simon and Schuster, 1990); David Harris, *The League: The Rise and Decline of the NFL* (New York: Bantam Books, 1986); and Jim Byrne, *The \$1 League: The Rise and Fall of the USFL* (New York: Simon and Schuster, 1986).

Essential facilities doctrine

See generally James R. Ratner, *Should There Be an Essential Facility Doctrine?*, 21 U.C. Davis L. Rev. 327 (1988).

CHAPTER 7 WEBSITE CITATIONS

General overview of issues

Part Three of Paul C. Weiler, *Leveling the Playing Field* (Cambridge, MA: Harvard University Press, 2000), titled “Owners Versus Owners—and Fans,” focuses on the issues in this chapter about the appropriate legal treatment of franchise free agency, television and merchandising deals, and taxpayer subsidies of luxurious new stadiums and arenas. *See also* Roger I. Abrams, *Sports Justice: The Law and Business of Sports*, chapter 9 (Hanover, N.H. Univ. Press. of New England, 2010). There has also been a great deal of scholarly commentary in law reviews about the legal issues raised in these chapters, and we shall provide citations at the appropriate points in the text. Here we refer the reader to several valuable book-length treatments of the personalities and the economics in the background to the legal disputes: David Harris, *The League: The Rise and Decline of the NFL* (New York: Bantam Books, 1986); James Edward Miller, *The Baseball Business: Pursuing Pennants and Profits in Baltimore* (Chapel Hill, N.C.: University of North Carolina Press, 1990); Andrew Zimbalist, *Baseball and Billions* (New York: Basic Books, 1992); James Quirk and Rodney D. Fort, *Pay Dirt: The Business of Professional Team Sports* (Princeton, N.J.: Princeton U. Press, 1992); Eric M. Leifer, *Making the Majors: The Transformation of Team Sports in America* (Cambridge, Mass: Harvard U. Press, 1995); Michael N. Danielson, *Home Team: Professional Sports and the American Metropolis* (Princeton, N.J.: Princeton U. Press, 1997); Roger C. Noll and Andrew Zimbalist, eds., *Sports, Jobs, & Taxes: The Economic Impact of Sports, Teams, and Stadiums* (New York: Brookings Inst. Press, 1997); Rick Horrow (with Gary Bloom), *When the Game Is On The Line* (Perseus Publishing, 2003); Andrew Zimbalist, *May the Best Team Win: Baseball Economics and Public Policy* (Washington, DC: Brookings Institution Press, 2003), especially his Chapter 2, “Baseball’s Presumed Antitrust Exemption” and Chapter 7, “What Is to Be Done?”; and Stephen F. Ross and Stefan Szymanski, *Fans of the World, Unite! A (Capitalist) Manifesto for Sports Consumers* (Stanford U. Press, 2008).

Franchise entry and relocation

Generally: In addition to the books by Zimbalist, Quirk and Fort, and Danielson, cited in note previously, see Kenneth L. Shropshire, *The Sports Franchise Game: Cities in Pursuit of Sports Franchises, Events, Stadiums, and Arenas* (Philadelphia: Univ. of Pennsylvania Press, 1995); Charles C. Euchner, *Playing the Field: Why Sports Teams Move and Cities Fight to Keep Them* (Baltimore: John Hopkins Univ. Press, 1993); Bob Andelman, *Stadium For Rent: Tampa Bay’s Quest for Major League Baseball* (Jefferson, N.C.: McFarland & Co. 1993); Kevin E. Martens, *Fair or Foul? The Survival of Small-Market Teams in Major League Baseball*, 4 *Marquette Sports L.J.* 323 (1994); Steven M. Crafton, *Taking the Oakland Raiders: A*

Theoretical Reconsideration of the Concepts of Public Use and Just Compensation, 32 Emory L.J. 857 (1983); Richard G. Sheehan, *Keeping Score: The Economics of Big-Time Sports* (South Bend, Ind.: Diamond Communications, 1996); and Mark S. Rosenstraub, *Major League Losers: The Real Cost of Sports and Who's Paying For It* (New York: Basic Books, 1997).

Antitrust doctrine related to relocation: Gary R. Roberts, *The Evolving Confusion of Professional Sports Antitrust, The Rule of Reason, and the Doctrine of Ancillary Restraints*, 61 Southern Calif. L. Rev. 943 (1988), and Matthew J. Mitten and Bruce W. Burton, *Professional Sports Franchise Relocations from Private Law and Public Law Perspectives*, 56 Maryland L. Rev. 57 (1997); For analysis of both the *Raiders* damages decision and the *Clippers* liability decision, see Kenneth L. Shropshire, *Opportunistic Sports Franchise Relocations: Can Punitive Damages in Actions Based Upon Contract Strike a Balance?*, 22 Loyola of L.A. L. Rev. 569 (1989).

Antitrust doctrine related to entry: Thomas A. Piraino, Jr., *The Antitrust Rationale For the Expansion of Professional Sports Leagues*, 57 Ohio State L.J. 1677 (1996), provides an in-depth review of the expansion issues and a critique of the *Mid-South Grizzlies* and *Seattle Totems* rulings.

League contraction: Two valuable scholarly appraisals of this new league move were published in 10 Villanova Sports and Ent. J. L. (2003): the first by John Wolohan, *Major League Baseball Contraction and Antitrust Law*, at p. 5. and Scott Rosnov, *Squeeze Play: Analyzing Contraction in Professional Sports*, at p. 29

Non-antitrust negotiations re relocation: See Harris, *The League*, note **Error! Bookmark not defined.** above, *passim* (describing in detail how NFL owners—including Ram's owner Carroll Rosenbloom—extracted more and more favorable stadium deals from communities anxious to attract or retain a professional football team); Miller, *The Baseball Business*, note **Error! Bookmark not defined.** above, at 293–303 (describing similar negotiations undertaken by Edward Bennett Williams, owner of baseball's Baltimore Orioles, to secure a highly attractive stadium—the new Camden Yards—and lease arrangement for his team); and Neil J. Sullivan, *The Dodgers Move West* (New York: Oxford University Press, 1987) (recounting the relocation of the baseball Dodgers from Brooklyn to Los Angeles). Note that some historians now conclude that the Dodgers' relocation was driven primarily by the stubborn refusal of New York power broker Robert Moses to permit owner Walter O'Malley to construct a new stadium, at virtually no taxpayer expense, on top of a heavily-traveled subway and train station. Moses' goal instead was to construct a stadium in Flushing Meadows (site of Shea Stadium and now Citi Field) to justify creation of more highways, which gave him more direct power

and patronage. See, e.g., Michael Shapiro, *The Last Good Season: Brooklyn, the Dodgers, and Their Final Pennant Race Together* (New York: Doubleday, 2003).

Legislative reform re franchise relocation

See Glenn M. Wong, *Of Franchise Relocation, Expansion, and Competition in Professional Sports: The Ultimate Political Football*, 9 Seton Hall L.J. 1 (1985); Daniel S. York, *The Professional Sports Community Protection Act: Congress' Best Response to Raiders*, 38 Hastings L.J. 345 (1987); John A. Gray, *Section 1 of the Sherman Act and Control Over NFL Franchise Locations: The Problem of Opportunistic Behavior*, 25 Amer. Bus. L.J. 123 (1987); John Beisner, *Sports Franchise Relocation: Competitive Markets and Taxpayer Protection*, 6 Yale L. & Pol. Rev. 429 (1988).

Television Contracts

For a broad overview, see Chris Gratton and Harry Solberg, *The Economics of Sports Broadcasting* (Routledge, 2007). On the broader financial and social implications of sports on television, see David A. Klatell & Norman Marcus, *Sports for Sale: Television, Money, and the Fans* (New York: Oxford University Press, 1988). For an excellent, but now factually-dated, economic analysis of televised sports, see Ira Horowitz, "Sports Broadcasting," Chapter 8 of Roger G. Noll, ed., *Government and the Sports Business* (Washington, D.C.: Brookings, 1974). See also Joan M. Chandler, "Sport as T.V. Product: A Case Study of 'Monday Night Football,'" Chapter 2 of Paul D. Staudohar & James A. Mangan, eds., *The Business of Professional Sport* (Urbana, Ill.: University of Illinois Press, 1991). The legal framework for these issues is detailed in Robert Alan Garrett & Philip R. Hochberg, "Sports Broadcasting," Chapter 11 of Gary Uberstine, ed., *Law of Professional and Amateur Sports* (Deerfield, IL: Clark, Boardman, and Callaghan, 1991). For a treatment of the contemporary antitrust issues, see Stephen F. Ross, *An Antitrust Analysis of Sports League Contracts with Cable Networks*, 39 Emory L.J. 463 (1990)

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Robert Alan Garrett and Philip R. Hochberg, “Sports Broadcasting,” Chapter 18 of Gary Uberstine, ed., *Law of Professional and Amateur Sports* (Deerfield Ill: Clark Boardman & Callaghan, 1991)

Neal H. Kaplan, *NBA v. Motorola; A Legislative Proposal Favoring the Nature of Property, The Survival of Sports Leagues and the Public Interest*, 23, *Hastings Comm. and Ent. L.J.* 29 (2000).

Babette Boliek, *Antitrust, Regulation, and the “New” Rules of Sports Telecasts*, 65 *Hastings L.J.* 501 (2014) (arguing for a review of current broadcast regulations and for change to create more competition and consumer choice)

Brandon Leibsohn, Comment, *Analysis of the NCAA Rule Prohibiting a School- or Conference-Owned Television Network from Televising High School Sports Events*, 23 *Marq. Sports L. Rev.* 435 (2013) (analyzing a hypothetical situation in which an institution brings an antitrust suit to challenge the NCAA’s rule against allowing a conference- or school-owned network to broadcast high school sports)

Bari Solomon, Comment, *Friend or Foe? The Impact of Technology on Professional Sports*, 20 *CommLaw Conspectus* 253 (2011) (discussing the issues that arise with social media sites and copyright protection against rebroadcasting)

Seagull Haiyan Song, *How Should China Respond to Online Piracy of Live Sports Telecasts? A Comparative Study of Chinese Copyright Legislation to U.S. and European Legislation*, 2010 *Den. U. Sports & Ent. L.J.* 3 (2010) (proposing China afford protection for sports telecasts over the Internet and different methods for how the government could implement the protection)

Jason Richard Sheppard, Note, *The Thrill of Victory, and the Agony of the Tweet: Online Social Media, the Non-Copyrightability of Events, and How to Avoid a Looming Crisis by Changing Norms*, 17 *J. Intell. Prop. L.* 445 (2010) (suggesting long-term strategies for protecting sports teams from copyright infringement by fans who upload content to social media accounts);

Michael E. Plantinga, *An Amended Doctrine That Will Silence the NFL: The Demise of the Existing Fair Use Doctrine as It Relates to Uses of Digital Sports Entertainment Media*, 14 *J. Tech. L. & Pol’y* 51 (2009) (arguing for an amended fair use doctrine, as it applies to sports broadcasting, to adapt to rapidly advancing social media)

Bret Bechis, *Professional Sports Broadcasting and the Slingbox: Profitability Through License, Not Litigation*, 6 Willamette Sports L.J. 17 (2009) (explaining the copyright issues with this new technology and concluding professional sports leagues should license their rights rather than sue Slingbox)

Michael J. Mellis, *Internet Piracy of Live Sports Telecasts*, 18 Marq. Sports L. Rev. 259 (2008) (discussing live sports telecast piracy and initiatives developed to help curb this issue)

Tyler McCormick Love, Note, *Throwing the Flag on Copyright Warnings: How Professional Sports Organizations Systematically Overstate Copyright Protection*, 15 J. Intell. Prop. L. 369 (2008) (discussing the different options available to ensure professional sports leagues are not overstating their copyright protections and that copyright warnings are accurately presented to viewers)

Matthew J. Mitten, *A Triple Play for the Public Domain: Delaware Lottery to Motorola to C.B.C.*, 11 Chap. L. Rev. 569 (2008) (arguing that game scores, real-time game accounts and player statistics are in the public domain and not subject to claims of infringement as they are purely factual information).

Eric E. Johnson, *The NFL, Intellectual Property, and the Conquest of Sports Media*, 86 N.D. L. Rev. 759 (2010) (modern look at how professional sports leagues pose a threat to freedom of speech through increasing intellectual property claims)

Michelle R. Hull, *Sports Leagues' New Social Media Policies: Enforcement Under Copyright Law and State Law*, 34 Colum. J.L. & Arts 457 (2011) (discussing how the leagues could use the take-down provision of the Digital Millennium Copyright Act and the noncopyright "hot news" doctrine to protect their rights in response to social media users uploading play-by-play commentary of live games)

Sonali Chitre, *Technology and Copyright Law—Illuminating the NFL's 'Blackout' Rule in Game Broadcasting*, 33 Hastings Comm. & Ent. L.J. 97 (2010) (discussing how blackouts can unintentionally cause fans to seek ways around the system, such as Internet streaming and satellite decryption)

Thomas Joseph Cryon and James S. Crane, *Sports on the Superstations: The Legal and Economic Effects*, 3 U. Miami Enter. & Sports L.J. 35 (1986)

Ariel Y. Bublick, *Note, Are You Ready for Some Football?: How Antitrust Laws Can Be Used to Break Up DirecTV's Exclusive Right to Telecast NFL's Sunday Ticket Package*, 64 Fed. Comm. L.J. 223 (2011)

Ross C. Paolino, *Upon Further Review: How NFL Network Is Violating the Sherman Act*, 16 Sports Law. J. 1 (2009)

Ethan Flatt, *Note, Solidifying the Defensive Line: The NFL Network's Current Position Under Antitrust Law and How It Can Be Improved*, 11 Vand. J. Ent. & Tech. L. 637 (2009).

Diana Moss, *Regional Sports Networks, Competition, and the Consumer*, 21 Loy. Consumer L. Rev. 56 (2008) (discussing vertical integration of regional sports networks into network stations)

Stephen Dixon, *A Channel Worth Changing? The Individual Regional Sports Network: Proliferation, Profits, Parity, and the Potential Administrative and Antitrust Issues That Could Follow*, 33 J. Nat'l Ass'n Admin. L. Judiciary 302 (2013) (exploring the potential for development of individual regional sports networks in baseball).

David Prebut, *Best Interests or Self Interests: Major League Baseball's Attempt to Replace the Compulsory Licensing Scheme With Retransmission Consent*, 3 Seton Hall J. of Sports L. 111 (1993)

Nathan M. Hennagin, *Note, Blackout or Blackmail? How Garber v. MLB Will Shed Light on Major League Baseball's Broadcasting Cartel*, 8 Brook. J. Corp. Fin. & Comm. L. 158 (2013)

J. Thomas McCarthy, *The Rights of Publicity and Privacy* (Thomson/West, 2d ed. 2010) (overview of publicity rights)

Jonathan Kohn, *Bringing Dignity Back to Light: Publicity Rights and the Eclipse of the Tort of Appreciation of Identity*, 17 Cardozo Arts & Entertainment L. Rev. 213 (1999)

Robertã Rosenthal Kwall, *Fame*, 73 Indiana L.J. 1 (1997)

Roberta Rosenthal Kwall, *The Right of Publicity vs. The First Amendment: A Property and Liability Rule Analysis*, 70 Indiana L.J. 47 (1994)

Mark F. Grady, *A Positive Economic Theory of the Right of Publicity*, 1 UCLA Ent. L. Rev. 97 (1994)

Michael Madow, *Private Ownership of Public Image: Popular Culture and Publicity Rights*, 81 California L. Rev. 127 (1993).

Michael “Bubba” Schoeneberger, Note, *Unnecessary Roughness: Reconciling Hart and Keller with a Fair Use Standard Befitting the Right of Publicity*, 45 Conn. L. Rev. 1875 (2013) (proposing a fair use test for right of publicity in light of the lawsuits by former student-athletes against Electronic Arts)

Erin Cronk, Note, *Unlawful Encroachment: Why the NCAA Must Compensate Student-Athletes for the Use of Their Names, Images, and Likenesses*, 34 U. La Verne L. Rev. 135 (2013) (arguing the NCAA’s use of student-athletes’ names, images and likenesses is a violation of their right to publicity and the NCAA should place compensation in a trust fund for use after the expiration of eligibility)

Nabeel Gadit, Note, *An End to the NCAA’s Exploitation of Former Student-Athletes: How O’Bannon v. NCAA Highlights the Need for an Inalienable Reversionary Interest in the Right of Publicity for Former Student-Athletes*, 30 Cardozo Arts & Ent. L.J. 347 (2012) (arguing student-athletes’ transfer of right of publicity to the NCAA should terminate upon graduation)

Julia Brighton, Note, *The NCAA and the Right of Publicity: How the O’Bannon/Keller Case May Finally Level the Playing Field*, 33 Hastings Comm. & Ent L.J. 275 (2011) (arguing the NCAA has unfairly profited from the use of student-athletes’ names, images, and likenesses and should remedy the situation by establishing profit-sharing trusts which student-athletes can access after the expiration of their eligibility)

Andrew B. Carrabis, *Strange Bedfellows: How the NCAA and EA Sports May Have Violated Antitrust and Right of Publicity Laws to Make a Profit at the Exploitation of Intercollegiate Amateurism*, 15 Barry L. Rev. 17 (2010) (discussing antitrust law as it applies to the *O’Bannon* case and possible outcomes of the litigation)

Bill Cross, Comment, *The NCAA as Publicity Enemy Number One*, 58 U. Kan. L. Rev. 1221 (2010)(arguing amateurism is not a valid reason to prohibit compensating student-athletes for use of their likenesses)

Leslie E. Wong, Comment, *Our Blood, Our Sweat, Their Profit: Ed O’Bannon Takes on the NCAA for Infringing on the Former Student-Athlete’s Right of Publicity*, 42

Tex. Tech L. Rev. 1069 (2010) (arguing for the creation of trusts for student-athletes to access after the expiration of eligibility and discussing the possible outcomes of the *O'Bannon* case)

William D. Holthaus, Jr., Note, *Ed O'Bannon v. NCAA: Do Former NCAA Athletes Have a Case Against the NCAA for Its Use of Their Likenesses?*, 55 St. Louis U. L.J. 369 (2010) (predicting the NCAA will lose the *O'Bannon* case and discussing the effect the outcome will have on the college licensing market).

Talor Bearman, Note, *Intercepting Licensing Rights: Why College Athletes Need a Federal Right of Publicity*, 15 Vand. J. Ent. & Tech. L. 85 (2012) (proposing Congress create a federal right of publicity to correct the lack of uniformity in protection at the state level)

Risa J. Weaver, Note, *Online Fantasy Sports Litigation and the Need for a Federal Right of Publicity Statute*, 2010 Duke L. & Tech. Rev. 2 (2010) (using litigation between profession sports leagues and fantasy sports providers to argue for the need to create a federal right of publicity statute)

Christopher Miner, *Comment, Fantasy Sports and the Right of Publicity Are Under Further Review*, 30 Touro L. Rev. 789 (2014)

Frank Battaglia, *Comment, An Evolving NCAA Leading to an Expanding Client List*, 13 J. Marshall Rev. Intell. Prop. L. 463 (2014) (analyzing student-athlete's publicity rights in light of the litigation against the NCAA, the CLC and EA)

Marc Edelman, *Closing the "Free Speech" Loophole: The Case for Protecting College Athletes' Publicity Rights in Commercial Video Games*, 65 Fla. L. Rev. 553 (2013) (arguing despite First Amendment concerns, courts should protect student-athletes' publicity rights)

Rafael Toro Arsuaga, *Freedom of Speech vs. the Right of Publicity in Today's Gaming World*, 81 Rev. Jur. U.P.R. 245 (2012) (discussing freedom of speech and the right of publicity in the context of the *Keller* case)

Timothy J. Bucher, *Game On: Sports-Related Games and the Contentious Interplay Between the Right of Publicity and the First Amendment*, 14 Tex. Rev. Ent. & Sports L. 1 (2012) (discussing the history of right of publicity and the First Amendment in the sports context)

Brandon Johansson, Note, *Pause the Game: Are Video Game Producers Punting Away the Publicity Rights of Retired Athletes?*, 10 Nev. L.J. 784 (2010) (discussing the liability of video game producers when using the likeness of retired athletes and how video game producers can protect themselves from future litigation)

Christian Dennie, *Tebow Drops Back to Pass: Videogames Have Crossed the Line, But Does the Right of Publicity Protect a Student-Athlete's Likeness When Balanced Against the First Amendment*, 62 Ark. L. Rev. 645 (2009) (discussing freedom of speech and right of publicity in the context of *Keller* and arguing the NCAA needs to prevent the exploitation of student-athletes for commercial gain)

Anastasios Kaburakis, et al., *NCAA Student-Athletes' Rights of Publicity, EA Sports, and the Video Game Industry: The Keller Forecast*, 27 SUM Ent. & Sports Law 1 (2009) (providing an overview of the pertinent amateurism and intellectual property issues of the *Keller* case)

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