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CHAPTER 1: ADDITIONAL CITATIONS FOR WEBSITE

The role of sports to promote social inclusion


History and development of the commissioner’s role:


**Commissioner Giamatti’s lifetime ban on Pete Rose:**


**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).
CHAPTER 5: ADDITIONAL CITATIONS FOR WEBSITE

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


Sports leagues as single entities

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**


**History of rival sports leagues**


**Essential facilities doctrine**

CHAPTER 7 WEBSITE CITATIONS

General overview of issues


Franchise entry and relocation


**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

**Legislative reform re franchise relocation**


**Television Contracts**

CHAPTER 8 ADDITIONAL CITATIONS


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)


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)


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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).


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)


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)


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)

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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
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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).


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