

Sport associations applaud federal Internet ruling

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(AP) -- High school athletic associations nationwide say a federal appeals court ruling upholding Wisconsin's right to sell exclusive rights to live-stream games online preserves a lucrative new revenue stream, while newspaper groups fear the ruling could lead to more restrictions on covering games that entire communities follow.

The dispute centers around the Wisconsin Interscholastic Athletic Association's exclusive contract with American-HiFi to live stream state tournament games. The WIAA sued in 2008 after the Appleton Post-Crescent newspaper streamed four [high school football](#) playoff games on its own. A federal judge sided with the WIAA last year. On Wednesday, the 7th Circuit Court of Appeals backed him up, saying the First Amendment doesn't guarantee media outlets free broadcasting rights.

"It could potentially cause problems down the road," said Paula Casey, executive director of the Arizona Newspaper Association. "(I) could see them infringe on what newspapers can do, if they think they can stand up in court. It could make things very tough for newspapers."

High school associations like the WIAA generally oversee extracurricular sports in their state schools, coordinating schedules and tournaments and sanctioning state champions. The squabble in Wisconsin underscores the sometimes uneasy relationship between the media and the athletic associations over who owns and distributes game accounts, particularly visual images. Tensions have only grown during an Internet age that demands immediate reporting and Web posting.

On one side are newspapers whose readers depend on them for accounts of their favorite teams as they compete for championships. On the other are athletic associations trying to maximize revenue to cover rising costs that include renting facilities, paying staff and hiring security for state tournaments for everything from football to swimming. The Arizona Interscholastic Association, for example, spent about \$2.5 million to hold state tournaments during the year that ended in July 2011.

At least a dozen associations around the country have set up exclusive web streaming, and it's growing in popularity. The Arizona Interscholastic Association, for example, generated \$150,000 over the first four months of exclusive streaming in 2009 and reported 1.6 million streams in December of that year alone, according to court documents.

The associations hailed the decision as an affirmation of their business practices, likening live streaming to television contracts. They say exclusivity allows them to pay for tournaments for less popular sports, reduces the number of cameras on the field or court, protecting players and officials. And they insist reporters and photographers can continue to cover the games in a traditional sense - just not broadcast them from start to finish for free.

"It's important that (the associations are) able to continue to craft their own deals for the best coverage," said Bruce Howard, a spokesman for the National Federation of State High School Associations. "(The ruling) allows not only Wisconsin but other states to do what they've been doing."

But newspapers fear the ruling could embolden the associations to cut off more journalists' access. For example, they may decide to prohibit newspaper photographers from selling pictures of the game to parents or others and use their own official photographers, which is already a

touchy issue, said Stephen Key, executive director and general counsel for the Hoosier State Press Association in Indiana.

"We may see another outbreak of infighting between newspapers and associations on that issue," he said. "Selling photos is a revenue stream. We're talking hundreds of dollars, not thousands of dollars, covering all the games. But for the newspapers it is more about control over the content they create."

The associations said things won't come to that. Todd Clark, a spokesman for the Wisconsin association, said the idea to generate as much exposure for student athletes as possible. The federal ruling applies only to live streaming, not other mediums, he said.

"At some point there's common sense involved in all of this," he said.

The decision itself reads that "... the media are free under the (WIAA's) policy to talk and write about the events to their hearts' content. What they cannot do is to appropriate the entertainment product that WIAA has created without paying for it. ... nothing in the First Amendment confers on the media an affirmative right to broadcast entire performances."

Donald Downs, a professor of political science, law and journalism at the University of Wisconsin-Madison, said that essentially means the media can report on games but cannot broadcast or stream them from beginning to end.

"As long as this opinion is applied in a conscientious way, it seems like the damage would be limited. It's only the streaming," Downs said.

"(But) I wouldn't want this case to bleed any further. The newspapers are right to be concerned about it. They don't want the line to be blurred any further."

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