

Yahoo sues NFL Players Association over data (Update)

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FILE - In this April 27, 2009 file photo, Yahoo's CEO Carol Bartz is seen at Yahoo headquarters in Sunnyvale, Calif. Bartz on Wednesday, May 27, 2009 said that she is open to joining forces with Microsoft Corp. so both companies can better compete in Internet search, but a deal would need a specific set of terms _ including "boatloads of money." (AP Photo/Paul Sakuma, file)

(AP) -- Yahoo Inc. has sued the NFL Players Association, claiming it shouldn't have to pay royalties to use players' statistics, photos and other data in its popular online fantasy football game because the information is already publicly available.

Santa Clara, Calif.-based [Yahoo](#) filed its lawsuit Monday in federal court in Minneapolis.

According to the complaint, a licensing arm of the players union has threatened to sue Yahoo if it doesn't pay for the information. The last of Yahoo's licensing agreements with NFL Players Inc. expired March 1. But Yahoo claims it doesn't need authorization, due to a court decision in April in a similar dispute between NFL Players Inc. and CBS Interactive Inc.

Fantasy sports league participants create teams comprised of real players. As the season progresses, participants' track their players' statistics to judge how well their team is performing. According to the judge's decision in the CBS Interactive case, an estimated 13 million to 15 million people participate in fantasy football games that gross more than \$1 billion a year.

Yahoo's lawsuit wants the court to declare that its game does not violate any rights of publicity owned or controlled by NFL Players Inc., and that any such rights would be trumped by the First Amendment and federal copyright law anyway. It also seeks to bar NFL Players Inc. from interfering with Yahoo's fantasy sports businesses, from threatening litigation, or making any statements that Yahoo or its customers are infringing the rights of NFL Players Inc.

NFL Players Association spokesman Carl Francis said the union had no comment at this time. It's appealing the decision in the CBS Interactive case.

The Major League Baseball Players Association and Major League Baseball Advanced Media lost a similar case in 2007 when the 8th U.S. Circuit Court of Appeals ruled that fantasy baseball company CBC Distribution and Marketing Inc. didn't have to pay the players, even though it profited by using their names and statistics. The judge in the CBS Interactive case relied heavily on the 8th Circuit's ruling.

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