

# No Updates from the Bench, Stands or... Press Box?: The Legality of Live Blogging from Sports Events

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## Abstract

*As digital platforms for media become more diverse, media coverage of sports has expanded online in many facets. The Internet creates opportunities for enhancing the product of sports organizations in addition to television broadcasts, but not without challenges. Contracts between networks and leagues solidify the exclusive rights to telecast a certain event. However, the fairly new phenomena of live blogging from a game presents a virtually untraceable way of distributing information in real time from the stands and thus, an interesting dynamic in the legal realm of copyright for these sports organizations. While a case has not yet reached the court system, there will likely be concern in the near future over what a live blog should be considered in a legal sense. It does relay information almost as soon as the action has occurred, but does not capture the audio-visual essence of the game like a broadcast. In order to determine whether or not live blogging may be considered a violation of exclusive media rights in the future, this paper touches on the history of sports broadcasting, pre-existing statutes and cases in sports law and Internet law, the current policies of sports organizations and a hypothetical case study involving live blogging from a sports event. All of these elements provide some legal context for live blogging from sporting events and allow for predictions to be made about the state of live blogging in years to come.*

## I. Introduction

In January 2010, the online video site YouTube entered a “landmark” deal with Global Cricket Ventures, giving them the rights to stream the Indian Premier League games on a specified online channel. The chairman and commissioner of the Indian Premier League told CNN that Google gives his sport access to half-a-billion viewers every moment of the day and will enhance his audience’s experience of the games. The agreement is the first global sporting event to be streamed over the Internet and is expected to reach those 500 million viewers throughout the six week tournament (“YouTube confirms landmark”, 2010).

Convergence of different media continues to be a growing trend for the communications field, and the realm of sportscasting is no exception. The digital platform of media is rapidly expanding and traditional sports broadcasters are looking to these new forms of information distribution as ways to enhance a viewer’s experience during a sporting event. Clear contractual agreements exist between networks – cable and over the air – to provide live coverage of certain sporting competitions to the public. However, those networks’ rights over the digital coverage of those events are still fairly indistinguishable.

Live blogging from a sporting event presents a particular challenge to exclusive coverage. Modern technology presents many unique and potentially untraceable means of blogging, so while it may be completely feasible to negotiate exclusive rights for broadcast coverage, a media organization may encounter difficulty in successfully and legally gaining the rights to live blog exclusively at any given event. Fans become

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citizen journalists with mobile devices or other sports journalists from competing media organizations can report with laptops from the stands. Blogging may be an entirely unique manner of providing live statistics to sports audiences void of exclusive coverage contract limits. With this, there is little to no researched material and legal background concerning this area. However, league regulations are becoming more and more restricting when it comes to live blogging, and it is likely that a case concerning this new field of sports reporting will emerge in the near future. The conflict between copyright of an event's broadcast and the First Amendment rights of reporters and casual bloggers could soon reach a climax and be brought to court. But with no clear precedents, it is unclear what decision would come from such a case.

This paper will investigate the history of sports broadcasting, pre-existing statutes and cases in sports law and Internet law and the current policies of sports organizations, all of which could provide some legal context for live blogging from sporting events. Ultimately, the background those elements provide will help determine a predicted ruling for a hypothetical case involving live blogging from a game. Overall, the nature of blogging statistics and action from a sporting event more closely resembles traditional print journalism than a live audio-visual broadcast. Even though live blogging is considered "real-time" reporting, the factual nature of much of the information and the delay of distribution and reception of that information (due to the time it takes to manually post blogs) merits a less restraining approach than some of the leagues have insinuated especially without legal backing. Therefore, live blogging should not be considered a violation of exclusive broadcasting rights but rather a supplement to the game's telecast.

## II. Literature Review

There is little if any concrete and scholarly research on the nature of live blogging from sporting events and whether or not it violates exclusive rights merited by broadcast contracts. However, there are various articles concerning the relationship between sport and media, the antitrust issues involved in that relationship and new technological advances that may affect how deals are negotiated in the future.

In their 2002 article, Lee and Chun provide an overview of the value and growth of various broadcast rights. Professional football, basketball, baseball and hockey teams share the revenue generated from national broadcast rights. Leagues are preempted from the antitrust laws of the Sherman Act under the Sports Broadcasting Act of 1961, which allows them to sell the rights as "a single economic unit" (Lee & Chun, 2002), although that does not mean teams are not exempt from review when it comes to antitrust law (Thorne, et al, 2001, p. 76). Based on the historical growth – in number and value – of broadcast contracts, Lee and Chun conclude that revenues from media coverage will continue to increase to reach "an unthinkable position" in the coming decade. Part of their reasoning includes the "consolidation of media and entertainment companies" (Lee & Chun, 2002), many of which now include online venues. It is only probable, then, to infer from this supposition that Internet outlets and the sports blogosphere will also expand in the next ten years.

Thorne, et al. (2001) further explain the "symbiotic relationship" (p. 76) between sport and the media. The Sports Broadcasting Act of 1961 is mentioned as a "clash" between media interests and leagues (Thorne, et al., 2001, p. 76). This "clash" is illustrated by the case of Chicago Professional Sports Limited Partnership and WGN Continental Broadcasting Company v. National Basketball Association in which the NBA attempted to limit the number of games broadcast on the superstation WGN. The courts ultimately ruled that the NBA was acting as a joint venture and was violating antitrust laws by trying to control the broadcast rights of a single team. In this case, the Sports Broadcasting Act did not apply because the league was not acting as a single unit (Thorne, et al., 2001, p. 79-80). Thorne, et al. states that "[t]he overall purpose of antitrust laws is to protect the competitive process and preserve competitive markets" (Thorne, et al., 2001, p. 80). As online ventures become more prevalent in years to come, it is questionable how the courts will deal with antitrust issues when it comes to the Internet. Typically more individualistic mediums, sites and blogs may affect the actions of the leagues that are classified under law now as single entities. Furthermore, it may be more difficult for leagues to act as such when bloggers can easily relay information from a sporting event that may be under exclusive broadcast contract.

However, contracts are beginning to cover more than just broadcast, which may also reform the legality of free live blogging from sporting events. A 2006 article by McGuire provides a case study of multi-media contracting at the University of Missouri. McGuire concluded that the vastness of platforms that can be approached and controlled with these agreements is great and presents even greater opportunity: "While

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traditional broadcast deals would have limited advertisers to presenting messages via radio or television, the multimedia approach allows the distributor to utilize a variety of media (e.g., print, broadcast, and Internet) in customizing client packages” (McGuire, 2006, p. 67). McGuire also notes that by consolidating services, new media for content distribution is more apt to be developed, such as video-on-demand and podcasts (p. 68). This study demonstrates the current evolution of exclusive contracts between sports franchises and a medium, which is likely to expand further as other platforms, like blogging, become more and more established.

New technologies also play into the mutually beneficial relationship between sport and media. Bechis (2009) explains the intrigue and issues surrounding the Slingbox, “a ‘place-shifting’ device that allows users to stream broadcasts live from their home televisions onto laptops, cellular phones, and other Internet-ready devices” (p. 17). Sling Media (Slingbox software) is compatible with both Apple and Palm-OS mobile devices, meaning any home TV signal can be transferred digitally to another location where those devices are present (Bechis, 2009, p. 18). The leagues that have exclusive rights to the reproduction and distribution (among other copyright rights) of the games, Bechis argues, may find this new technology threatening to their ability to sell and therefore, have three distinct options: ignore the Slingbox and allow it to co-exist, sue Sling Media for copyright infringement or partner with Sling Media and negotiate a licensing agreement with the company (p. 19). For professional sports leagues that “thrive on proximity controls” (Bechis, 2009, p. 27), Bechis suggests that partnering with the technology developers would be most beneficial. While blogging constitutes a completely different outlet (written and online) rather than simply place-shifting a broadcast, the parallels in developments in media have similarities. It appears as though leagues have virtually the same options when it comes to dealing with live blogging as they do with the Slingbox. In relation to live blogging, leagues have taken different approaches and will likely experiment within these three options in the future.

As well as this, Bechis (2009) comes to his conclusion by exploring the option of suing for copyright infringement with legal precedents and determining the success of the leagues based on those rulings. The hypothetical section of this paper will be formatted similarly, utilizing legal precedents in place concerning copyright, antitrust and other viable issues that involve the relationship between sport and media. Contrary to Bechis’s supposition, the legal process in this paper will attempt to find whether or not live blogging could be considered a violation of exclusive contract if brought to the court of law.

While there is a definite lack of literature concerning the actual topic in question, this previous scholarly research can help guide the investigation of live blogging’s legality. However, there is a plethora of information regarding the legal rationale for exclusive broadcasting rights that can be seen as the media predecessor to blogging straight from the games. The history of contracts, the laws that allow them to occur and the cases that have brought exclusive media rights into question have all become precedents for new technology developments in sports coverage, including blogging.

### ***History of sports broadcasting and exclusive media rights***

Sports broadcasting has a history that was pioneered and is still propelled by technology and America’s genuine love of the game. The first radio broadcast of a sporting event took place on September 6, 1920, a boxing match between Jack Dempsey and Billy Miske (Schwartz). Early sportscasters chose boxing because the rings were well-lit and confined spaces to shoot in, perfect for the technological challenges they faced in the earlier part of the century (Baran). The first time sports were televised was from a Columbia-Princeton baseball game in the spring of 1939. NBC’s Bill Stern reported from the game with just one camera shot along the third base line (Baran; Schwartz). The next two years brought the first professional baseball, football, hockey and basketball games to television audiences, all from W2XBS, an experimental station run by the National Broadcasting Company in New York City (Schwartz). NBC was the first network to broadcast a network sports program in 1944 with the Gillette Cavalcade of Sports, which stayed on the air for two decades (Baran). The first color broadcast in sports was the Davis Cup in August 1955 (Schwartz).

It didn’t take the leagues long to realize that selling sport to television was a profitable endeavor, and the advent of contracting those rights out began. By the 1970s, networks were paying \$50 million to broadcast professional football and \$18 million for professional baseball. Just fifteen years later, those costs rose to \$450 million for NFL games and \$160 million for MLB competitions (Baran). These contracts have their foundation in the law from which they are derived. It is this law that allows leagues to even sell the rights in the first place.

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### ***Pertinent law and statutes***

At a very basic level, U.S. law has given sports leagues and teams the authority to negotiate contracts of broadcasts of their competitions due to copyright law. The United States Copyright Act was crucial in establishing what is indeed copyrighted material. In 17 USC §102, motion pictures, audiovisual works, sound recordings and pictorial and graphic works are all considered “original works of authorship fixed in any tangible medium of expression” and therefore, subject to copyright (“17 USC 102 – Subject of matter of copyright: In general”). Dramatic works are also protected under copyright law (“17 USC 102 – Subject of matter of copyright: In general”), and the combination of the performance that is involved in sporting events and the capturing of video and/or audio that could potentially occur there gives the teams and leagues the right to sell those copyrighted works to third parties. In most cases, these rights are contracted out to over-the-air broadcast networks or cable television networks.

Sports entities in this country have somewhat of special privileges when it comes to selling broadcasting rights without violating antitrust laws. The Sherman Antitrust Act was passed in 1890 with the intention of preventing industrial monopolies and trust building between businesses in America. Section 1 in particular deems that “[e]very contract, combination in the form of trust otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal” (Sherman Antitrust Act, 1890). In other words, this first section of the Sherman Act was created to outlaw certain means of anticompetitive conduct particularly targeting agreements between two or more individuals or entities” and not “by the unilateral action of a single actor” (Flatt, 2009, p. 641). This act has since served as “the foundation and the basis for most federal antitrust litigation” (“Antitrust: an overview”). In the early days of sports broadcasting, there was question of whether leagues could sell rights to all of their teams’ games collectively, as a single unit.

In 1961, Congress passed the Sports Broadcasting Act. The act stated that the antitrust laws of the Sherman Act “shall not apply to any joint agreement by or among persons engaging in or conducting the organized professional sports teams ... by which any league of clubs ... sells or otherwise transfers all or any part of the rights of such league’s member clubs in the sponsored telecasting of the games” (Sports Broadcasting Act of 1961). This amendment permitted professional football, baseball, basketball and hockey leagues to sell broadcasting rights as a league without being considered an illegal conglomerate. This was in part due to the fact that the horizontal scheme that sports leagues present (meaning that competitors are on a similar commercial level) are not necessarily harmful, but can actually enhance the competitiveness of the individual sports teams. For instance, the National Football League pools its broadcast revenues and splits them evenly among teams. That way, less popular or profitable teams are given a share equal to those that have more income from other means (Flynn & Gilbert, 2001, p. 29). As with many statutory laws, separate cases have arisen from the ambiguity of the exception from antitrust laws and how much control sports entities truly have over their copyrighted material.

### ***Related cases***

The realm of sports broadcasting has been affected by many cases, some with particular significance when considering various antitrust issues, distribution of copyrighted material and the leagues’ ability to act as a single entity with media contracts.

As early as 1922, professional sports were ruled exempt from antitrust restrictions. At that time, the Supreme Court found that the “business of baseball” could not be deemed interstate commerce that falls under the Sherman Act (Flynn & Gilbert, 2001, p. 31). In 1974, a federal district court decided in *San Francisco Seals, Ltd. v. National Hockey League* ruling that “the member clubs of the NHL did not compete against each other; rather, they acted as a single entity in competition with other professional sports leagues” (Flynn & Gilbert, 2001, p. 33). Both of these cases served as a foundation for leagues controlling the rights to their media output.

The 1986 case of *Baltimore Orioles, Inc. v. Major League Baseball Players Association* was important in further establishing professional leagues’ ownership of rights. A group of baseball players from the Orioles sought to profit from telecasts of the games under their right to performance. However, courts ruled that the MLB fully owned the copyright of broadcasts and the players’ performances featured in those broadcasts were works made for hire under the U.S. Copyright Act of 1976 (*Baltimore Orioles, Inc. v. Major League Baseball Players Association*, 1986). The authority that leagues have over media rights was even more solidified

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with *Chicago Professional Sports Ltd. Partnership v. National Basketball Association* (1996) when the NBA filed suit against the Chicago Bulls after the team tried to sell rights to broadcast their games to superstation WGN. Again, the courts found that the NBA was trying to promote competition in the marketplace of professional sport, not restrain it. As a result, the decision stated “that when acting in the broadcast market the NBA is closer to a single firm than to a group of independent firms” and could potentially deny the Bulls the opportunity to sell rights to the superstation (*Chicago Professional Sports Ltd. Partnership v. National Basketball Association*, 1996).

Fantasy leagues have been a considerably popular online venture for professional sport, and *C.B.C. Distribution & Marketing, Inc. v. Major League Baseball Advanced Media, L.P.* (2006) dealt with use of players’ names and statistics on a fantasy league service. Ultimately, the court decided that C.B.C.’s use of names and statistics was neither a violation of the players’ right of publicity since they were not seeking financial gain by doing so, nor a violation of MLB’s copyright laws since the use of names and stats is not copyrightable. The courts also noted that the distribution company’s First Amendment rights would override some of the league’s rights in this particular case, likely due in part to the Internet having a great amount of free speech protection (Mead, 2007, p. 730). While these names and statistics were not released in real-time like live blogging, this case is representative of how courts may deal with information featured or released online.

One of the most significant cases when considering the legal implications of live blogging is *The National Basketball Association v. Motorola, Inc.* (1997). The NBA brought the case to the courts in 1996 after Motorola had been utilizing Sports Team Analysis and Tracking Systems, Inc. (also known as STATS, Inc.) to send their customers updates from games as they were going on (Seidenberg, 2009). The NBA saw this service as a violation of their copyrights and won their case at the district court level. However, when Motorola appealed the decision, the circuit court of appeals ruled in its favor. Based on *Feist Publications, Inc. v. Rural Telephone Service Co.*, the court said that STATS was only reproducing factual information by sending out statistics about the game to customers and “not the expression or description of the game that constitutes the broadcast” (*The National Basketball Association v. Motorola, Inc.*, 1997). The broadcast itself is protected, but not the game and any facts associated with it. This idea is reflected in several of the leagues’ blogging policies that prohibit capturing the likeness of the competition.

While there are no cases specifically regarding live blogging from sport events, these cases put the issue into some context and provide some precedents for how the issue may be dealt with in the courts.

### **III. Blogging and Internet laws**

Courts have had trouble defining what a blog truly is from a legal perspective and arguably an even more difficult time considering what should and should not be limited when it comes to this form of media (Tune & Degner, 2009, p. 1). The Digital Millennium Copyright Act was passed in 1998 in response to the growing utilization of the Internet and the potential copyright infringements that could occur as a result. Section 512(c) of that legislation protects service providers – like blogging or other social media websites – from being held liable for infringing material posted on their sites so long as they have the ability to request removal of the material and are not receiving financial benefit from the infringing material (*The Digital Millennium Copyright Act of 1998*). This was demonstrated in *The Football Premier League Ltd. v. YouTube, Inc.* when the league suggested video of its games were being posted when YouTube was both aware and profiting from it. The plaintiffs argued the DMCA requirement to request removal of the material was virtually inconsequential since “it is impossible for a copyright holder to find all instances of a copyrighted work that might appear on YouTube, and because YouTube users can readily repost infringing matter under different user and/or file names” (Tune & Degner, 2009, p. 3). While there is no official ruling on this case yet, it is interesting to consider if the courts will choose to limit free speech rights online with this decision by somehow limiting copyrighted video more vigorously or keep the regulations as they are and risk more copyright violations in the future. Another court decision in *BidZirk, LLC v. Smith* concluded that certain online material in a blog format could be classified as journalism if the content and intent are in line with that of a news outlet (Tune & Degner, 2009, p. 6). If applied to blogging from sport events, the same standards for journalists would have to be applied to bloggers. These kinds of rulings could certainly affect how other user-generated content, like blogs, is dealt with in a legal sense as issues become more complex and cases brought to court more numerous.

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### **League regulations on live blogging**

In 2007, Brian Bennett was in the stands at the University of Louisville's College World Series game doing what he normally did as sports reporter with the Louisville Courier-Journal: blogging stats to fans through the newspaper's website. Soon after the National Collegiate Athletic Association officials found out, he was evicted from the press box. A memo was quickly sent to all of the media at Patterson Stadium reminding them that "any statistical or other live representation of the Super Regional games fall under the exclusive broadcasting and Internet rights granted to the NCAA's official rights holders" ("Live From Louisville", 2007). The NCAA's media policy now includes a section on blogging stating that any blog "may not produce in any form a 'real-time' description of the event" ("Section 6 – Internet"). The organization now does allow live blogging, but under very specific terms including submission of the blog link to the NCAA blog central site, a logo present on each blog pertaining to their sport events and a regulated limit on the number of posts per game ("The NCAA Now Allows Live Blogging", 2007).

The NCAA is not the only league trying to control social media output from its games. All of the professional sports organizations have put rules on the books that in some capacity limit unauthorized information distribution during competitions and, for some, beyond. The NFL has strictly prohibited players, coaches and officials from posting any updates on social media sites (Twitter, Facebook, etc.) during games, including 90 minutes prior to and following a game. Even the media are encouraged to refrain from phone use during the competition (Cheng, 2009). As well as this, video content from games (even with credentials) can only be 90 seconds long and available online for no longer than 24 hours (Stradley, 2008). Fans are not yet subject to any restrictions. The NBA is similar in its restraints, not allowing players, coaches and team personnel to use cell phones or other handheld devices 45 minutes before and after the game or at any press functions. Additionally, individual teams have told their members that social media updates during practices and other team times is also prohibited. The MLB has had numerous circumstances in which the league tried to prevent real time reporting. Now the media can't post more than seven photos and audio/video content has to be two minutes or less with no streaming material allowed. The NHL is the only major professional sports organization that hasn't created policy to limit engaging in social media during games (Cheng, 2009).

While the vast majority of regulations deal with those directly involved with the leagues (mostly through payroll), some measures are being taken to extend the rules to fans as well. The Southeastern Conference, a sub-division of the NCAA, announced in August 2009 "that ticket-holding fans could not say anything about the game in question on the Internet" including observations, descriptions, pictures, audio and video (Cheng, 2009).

Bennie Ivory, executive editor of the Courier-Journal, published his own thoughts about Bennett's eviction from the baseball stadium, saying that "[i]t's clearly a First Amendment issue. This is part of the evolution of how we present the news to our readers" (Bozich, 2007). The question of whether leagues are able to restrict the speech happening from the press box or stands to protect their copyrighted material is still unanswered by the country's court system.

## **IV. Hypothetical court case**

The following is a hypothetical lawsuit involving live blogging from a sport event. Using the legal precedents available in this field, a supposed ruling will be reached:

A credentialed journalist from the Baltimore Sun newspaper is in the press box at a season Ravens home game. As he watches, he blogs a summary of each play from his Blackberry sporadically taking photos and sending those with the updates. Most of the blog posts were based on statistics with a few personal commentary comments inserted, such as "what a throw" or "best defensive play so far." When an NFL official noticed what he was doing, he told the reporter to leave the media area because blogging real time information was strictly prohibited. The reporter argued for a few minutes before being forced out of the press area. The Baltimore Sun is now suing the NFL for unfairly restricting its First Amendment rights. The NFL argues that the right to blog live from the event is one held exclusively by its organization and any allied network or media outlet that is contractually granted the permission to disperse multimedia material.

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Even though there are no NFL regulations at the moment that completely restrict media blogging from the game, with the trends going in a more limiting direction, it's a definite possibility in the near future that doing so will be the main consideration, not whether or a live blog appears to be or does the same thing for a potential audience as a live broadcast or whether blogging is, in fact, an infringement of copyright.

Based on the aforementioned cases, the NFL does have the right to sell its broadcast rights as a single entity. However, the Sports Broadcasting Act only specifies selling rights for the telecast of the event. If the blog were considered a form of journalism as in *BidZirk, LLC v. Smith* (2007), it would be assumed that the blogger would have the same privileges as other forms of print media. Even though newspapers freely report, they do so when they publish or after the game once they can summarize its events online. Live blogging presents an interesting dynamic: written but real-time information. While live blogging has qualities of print journalism, its speed makes it more similar to live broadcasting.

However, the content that is discussed in the blog is an essential part of the consideration. In order for a live blog to truly resemble a live broadcast, it would have to create a visual representation of the event. This is the reason for the language in the NCAA blogging policy that has no tolerance for capturing the likeness of the game ("Live from Louisville", 2007). In this situation, the personal commentary from the reporter could be considered embellishment to what would otherwise be a collection of non-copyrightable facts according to *The National Basketball Association v. Motorola, Inc.* (1997). The pictures the reporter posted with his facts could amount to more of a live representation of the game; however, those images were not streaming constantly so it's questionable whether that really created a "broadcast" that closely amounts to what telecasts offer to the audience.

While live blog posts from a sporting event are considered to be real-time accounts of the competition, the updates come after the action has occurred. Unless streaming video is a part of the blog, it is nearly impossible to truly capture the event "live." Live blogging could potentially be a supplement to, and therefore a possible distraction from, the broadcast of a game or event. Yet, relaying statistics with brief comments about the nature of the game barely has the same qualities as watching the game on television, and it is doubtful that people would fully replace their live audio-visual experience for a delayed account of the game without those elements. If anything, the game is now reaching more people through another medium. The blog really isn't a simulcast or a recreation of what is going on, but can be seen more as an analysis of fact (Bozich, 2007). It is understandable that the league or organization would seek to gain more profit from owning the rights to the publication of blog posts from the game. However, as expressed in the plaintiff's argument in *The Football Premier League Ltd. v. YouTube, Inc.* (2007), it is unlikely that any league would be able to effectively locate and punish all of the bloggers that are sending information of any sort from the venue during a game.

Finally, when it comes to protecting the rights of bloggers and their free speech or the rights of the league and its copyrighted material, it is more likely that the courts will decide in favor of the blogosphere. First Amendment rights are foundational to successful journalism and the idea of a public forum in this country. When basic rights are limited by rulings and that restriction is made a precedent, it is difficult to reverse the action. A live blog does not amount to enough resemblance of a live broadcast to control it in light of preserving copyright. In theory, it is the broadcast itself that is copyrighted, not the game and the facts that surround it.

Therefore, in light of the importance of First Amendment rights (especially online), the actions of the NFL in this case would likely be reprimanded. The economic harm, at this point, has not proven to be a valid reason to so severely limit live blogging. The wording in policies now is too vague to constitute what would be violating those live blogging rules and crossing the line into the realm of exclusive rights. This doesn't limit the leagues' ability to create multimedia contracts including the rights to the official live blogging. However, the organizations do not have the overriding right to prevent live blogging of factual information and brief comments about the game when the right to free speech has historically trumped many other assumed rights in this country. If a blog were to illegally present the copyrighted broadcast of an event, the ruling would address the infringement and not the issue of free speech; but any ruling against live blogging in this circumstance has a greater potential for harm when considering the repercussions it could have on other forms of online forums. Therefore, in this situation, according to the precedents set by sports and Internet law statutes and cases, the decision would likely be for the *Baltimore Sun*. This hypothetical is similar to situations that have actually occurred at games with other professional leagues, so this case is not completely unfeasible in the years to come.

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## V. Conclusion

Live blogging is a fairly new development in sports coverage, but one that has presented challenges for leagues trying to sustain their copyrighted broadcasts and ability to form and profit from exclusive contracts. The limitations of this research mainly lie in the lack of information directly related to the legality of live blogging. There has been no official legal action against live bloggers, but regulations of the individual national sports leagues have reflected a desire to limit the act of posting statistics and other information about a competition in real time. While scholarly research and direct legal context are somewhat sparse, statutes and precedents from prior cases provide an adequate amount of context for the issue. The nature of the blog has been central to the rules set by leagues that attempt to ensure only factual information (and only so much of it) is being released from the venue as the game is going on. Successful or not, the growing trend of these restrictions has resulted in a more unwelcoming environment for live blogging. While it is important for leagues to protect their copyrighted material, the First Amendment function that online content providers serve has often been found to be a more important role in past court rulings. Therefore, it seems unlikely that leagues will prevail in completely eliminating live blogging from journalists and fans in the stands on the basis of protecting their exclusive media contracts.

Multimedia contracts for sports games and events do exist, and there is no rationale for why they should cease. The online presence of any sport is now essential to its image and consumer relations. However, the language in these contracts will likely begin to specify the “official” provider of live statistics and information as to not imply that the league is able to or can limit the live blogging of other outlets. The plays, the score, the statistics of any given game are facts and not copyrighted and therefore should be open for anyone to express. Instead of outlawing the act of live blogging, it is possible that the leagues could more effectively ally themselves with these blogs and consequently increase the number of outlets their games are being seen on. Overall, the free speech rights that are being utilized through live blogging can be seen as an asset to the leagues rather than a detriment if relationships were formed between successful bloggers and those organizations. Perhaps it is all in competitive spirit; we are talking about sportscasting. But it is time for leagues to realize that live blogging is probably going to sustain its presence and possibly grow in popularity. Rather than beat it (very few have defeated team First Amendment in the past), why not join it? Just as with any technological advancement, sports organizations will eventually find a way to adapt their methods of granting exclusive media rights to broadcasters or online service providers without infringing on the rights of bloggers. This will hopefully be the first of several academic investigations of the issue especially as live blogging becomes more prominent in sports.

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