

The NFL and Antitrust Media Rights

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Antitrust and media rights issues in sports refer to the legal disputes and concerns related to ownership, licensing, and distribution of broadcasting rights for sports events. In the context of antitrust laws, these issues arise when there is a potential for a monopoly or anti-competitive behavior in the market for media rights.

Antitrust laws are designed to promote competition in the marketplace and prevent companies from engaging in monopolistic and anti-competitive practices. In relation to media rights in sports, antitrust issues can arise when a league or team holds exclusive rights to broadcast their games or events, and thus has a monopoly over the market.

[A current controversial antitrust media issue](#) in sports today is the ongoing dispute between the National Football League (NFL) and cable and satellite providers over the distribution of the NFL Network and NFL Sunday Ticket. The NFL Network is a cable and satellite television channel that broadcasts NFL games, news, and analysis, while NFL Sunday Ticket is a package that allows viewers to watch out-of-market NFL games on their televisions. The NFL has exclusive rights to both products and has been criticized for using its market power to demand high fees from cable and satellite providers.

In recent years, several cable and satellite providers have dropped the NFL Network from their channel lineups due to disagreements over pricing and distribution. Similarly, there have been calls for the NFL to make NFL Sunday Ticket available to all viewers, rather than restricting it to certain subscribers.

Critics argue that NFL's exclusive rights to these products represent a form of monopolistic behavior, and that the league's demands for high fees are unfair to consumers and smaller cable and satellite providers. As a result, fans without access to cable or those that do not subscribe to the NFL Sunday Ticket are deprived of the opportunity to view certain games. The NFL, on the other hand, argues that it is simply trying to maximize revenues for its teams and stakeholders, and that it has a right to negotiate the best possible deals for its products.

The NFL will now face an [antitrust class action](#) over claims that the structure of its Sunday Ticket package with DirecTV forces viewers to choose between buying every out-of-market game, or none. Customers are leading this lawsuit and seek to dismantle the licensing deals behind Sunday Ticket. The package runs to at least \$294 per household and can cost thousands for commercial customers, such as bars.

The lawsuit has been pending since 2019 after being thrown out after customers were told there were indirect purchases who lacked antitrust standing to challenge an upstream rights pooling pact among teams. The Supreme Court created this indirect purchaser rule in [Illinois Brick](#) but there is now an exception which is known as the [co-conspirator exception](#). This applies when a downstream consumer alleges a vertical conspiracy between a manufacturer and distributor. Under these circumstances, courts have held that *Illinois Brick* does not prevent the first non-conspiratorial purchaser in the chain of distribution from bringing suit against the manufacturer.

This is a major win for consumers across the country and would make NFL Sunday Ticket available to a wider audience. Additionally, this litigation could have significant implications for the future of sports broadcasting and the role of antitrust laws in regulating media rights in sports.