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To: All Broadcast Clients

February 1, 2008

BROADCASTS AND PROMOTIONS RELATED TO NCAA BASKETBALL CHAMPIONSHIPS

The NCAA national men's and women's basketball tournaments will begin in mid-March and end on April 7 in San Antonio for the men's final and on April 8 in Tampa for the women's final.

Because of the popularity of the annual tournaments, your station may be involved in promotions tied to the tournaments. These promotional events are often highly successful, especially as local teams progress through the tournaments, but they can lead to expensive litigation and damage awards if the NCAA's intellectual property rights are not respected.

Use of NCAA Trademarks

The NCAA licenses its protected trademarks, symbols, and terminology for substantial fees and limits the use of these marks to authorized parties. The NCAA vigorously protects its marks, and has not hesitated to go to court to prevent violations. Activities designed to create the appearance of a relationship between the NCAA and its tournaments and your station or your advertisers, known as "ambush marketing," are extremely risky. The unlicensed use of the NCAA's marks for the sale or promotion of any products or services is unlawful; unauthorized use of the marks can also expose parties, including your station, to demands for damages for trademark infringement, unfair competition, false advertising, and misappropriation of goodwill. The use of a disclaimer, such as

"not an official sponsor of the NCAA Tournament," likely provides little, if any, protection in the case of ensuing litigation.

The NCAA and/or the participating colleges have the exclusive right to use the NCAA's marks, which include "NCAA Sweet Sixteen," "March Madness," "Final Four," "NCAA," and any team name (such as "North Carolina Tar Heels" or "Heels"), as well as other symbols, designations, and logos. A representative list of the NCAA's marks is attached for your reference. Without permission from the holder of these marks, you cannot say or print any of these protected words or logos in station marketing or promotions (as opposed to news reporting -- see below).

You may not say or print in promotions:

- "NCAA"
- "Final Four", "Sweet Sixteen", "Elite Eight" etc.
- Any team name (such as "Tar Heels")
- Any team nickname (such as "Heels")
- Any NCAA logo

You may say or print at any time:

- "The college basketball championship"
- "The national semifinals of the college basketball championship"

- The dates of the games
- The names of the colleges that are competing, but not the team names
- You can make fun of the fact that you cannot say the phrase “Final Four” (such as by bleeping it out)

Contests Involving Unauthorized Distribution of Event Tickets

The NCAA and its authorized agents are the only legal sources for the distribution of tournament tickets. By purchasing tickets, the purchaser agrees to all terms and conditions on the ticket request form and printed on the ticket, which generally prohibit use of the ticket for advertising or promotional purposes. As a result, your station should not run any promotion where tickets to a tournament game are awarded, even if the station validly purchased the tickets. The only exception to this general rule is if your station conducts a promotion with an official sponsor that has written permission from the NCAA to allow tickets to be given away in contests or promotions. You should keep a copy of this authorization with your file of material concerning the promotion.

News Reporting on the Tournaments

The NCAA also holds property rights in the accounts and descriptions of the tournament games and events and licenses television and radio rights to these events. As a result, the NCAA can legally control the use of information relating to the games for a reasonable time following their conclusion. Tickets to the games likely include a printed restriction that prohibits anyone in the venue without press credentials from giving accounts of the games to the media. Once a game has ended, you can report the “news” of the game, such as winner and the score.

The NCAA also has the right to charge a fee for the use of highlights. Your station must obtain consent from the NCAA or the local rights holder prior to the use of highlights of the games and related events inside the venue in station newscasts. The limited case law in this area indicates that although the First Amendment may allow the media to report news on athletic events shortly after the event to a certain extent, the First Amendment is not likely to protect a station which broadcasts footage or accounts of an event in violation of licensed rights to the event, especially prior to the conclusion of the Championship.

Leventhal Senter & Lerman PLLC

This memorandum is intended only as a general discussion of these issues and should not be regarded as legal advice. We would be pleased to provide additional details or advice about specific situations if desired.

To discuss any of the issues presented here, please contact any attorney in our office.

Representative List of NCAA Trademarks

National Collegiate Athletic Association®
National Collegiate Championships®
National Collegiate Athletic Association® Hall of Champions™
NCAA Championships®
NCAA Hall of Champions®
National Champion of Champions™
Double-A Zone®
3-Minute Drill™
Final Four® - Division I men's or women's basketball only
Final 4® - Division I men's or women's basketball only
The Final Four® - Division I men's or women's basketball only
Final Four Friday™ - Division I men's or women's basketball only
Men's Final Four™ - Division I men's basketball only
Men's Final 4™ - Division I men's basketball only
Women's Final Four® - Division I women's basketball only
Women's Final 4® - Division I women's basketball only
¹March Madness® - Division I men's or women's basketball championships only
¹Midnight Madness® - Division I men's or women's basketball championships only
¹Middle School Madness™ - Division I men's or women's basketball championships only
Selection Sunday™
The Big Dance® - Division I basketball only
And Then There Were Four™
65 Teams...One Dream™
All day. Every day. Our game.™
F4™
The Road Ends Here™
Men's Elite Eight®
Women's Elite Eight®
Elite Eight®
Elite8®
NCAA Sweet 16® - Collegiate basketball only
NCAA Sweet Sixteen® - Collegiate basketball only
Men's College Cup® - Division I men's soccer only
Women's College Cup® - Division I women's soccer only
College Cup® - Division I men's and women's soccer only
NCAA College Cup™ - Division I men's and women's soccer only
Stagg Bowl® - Division III football only
²College World Series® - Division I baseball only
²Women's College World Series® - Division I women's softball only
CWS™
Eight at the Plate™
The Greatest Show on Dirt™
Frozen Four® - Division I men's and women's ice hockey only
Men's Frozen Four® - Division I men's ice hockey only
Women's Frozen Four® - Division I women's ice hockey only
Hoop City® - For corporate partners involved in Hoop City
We are the Game®

It's More Than A Game®
J.J. Jumper® - Collegiate basketball only
NCAA®
NCAA Basketball®
NCAASports.com®
NCAA International®
NCAA Kids®
YES®
NCAA News®
NCAA Photos®
If it happens to my team, it happens to me!®
It's the Journey®
Road to the Final Four®
The Road to Atlanta™
The Road to Indianapolis™
The Road to Minneapolis™
The Road to New Orleans™
The Road to Omaha®
The Road to St. Louis™
The Road to San Antonio™
The Road to the Final Four®

¹March Madness and Midnight Madness: The NCAA and the Illinois High School Association are members of the March Madness Athletic Association LLC, which owns the registration to March Madness and Midnight Madness. The NCAA is the exclusive licensee of the marks in connection with the NCAA Division I Men's Basketball Championship and the Division I Women's Basketball Championship.

²College World Series and Women's College World Series: The NCAA is the exclusive licensee of these marks, registered by Major League Baseball, in connection with the NCAA Division I Men's Baseball Championship and the Division I Women's Softball Championship.

Gender-specific sports are appropriate when used in connection with the Final Four, Frozen Four and Elite Eight. The NCAA must grant approval before use of NCAA trademarks.