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*Edited by Gregory J. Battersby and Charles W. Grimes*



# Sports Licensing

F. Scott Pippin

## Broadcasts and Promotions Related to the MLB Postseason and World Series

The Major League Baseball (MLB) 2023 season began recently with all 30 teams getting into league play in early April. Various businesses, including local radio or television stations, often want to get involved in promotions that are tied to the baseball season and the World Series in October. These promotions can be successful but can also present serious legal issues if MLB's intellectual property rights are not respected.

## Use of MLB Trademarks

MLB licenses its protected trademarks, symbols, and terminology to third parties for substantial fees, and it strictly limits the use of these marks only to authorized parties. MLB strongly protects its marks and will take legal action to prevent their unauthorized use. Activities and promotions that give the appearance of a relationship between MLB, the championship games, and your station or your advertisers are extremely risky and even unlawful. Activities like unlicensed use of MLB's marks in connection with the sale or promotion of products or services offered through your station can expose you and your advertisers to claims of trademark

infringement, unfair competition, false advertising, and misappropriation of goodwill. The use of a disclaimer like "not an official sponsor of the World Series" usually provides no protection.

MLB owns the exclusive right to its marks, which include "World Series," "MLB," and any team name or nickname, as well as related symbols, designations, and logos. Without permission from MLB, you cannot say or print any of these protected marks or logos in station marketing or promotions. These marks include, but are not limited to, the following:

- "Major League Baseball" or "MLB"
- "American League Division Series (ALDS)" or "National League Division Series (NLDS)"
- "American League Championship Series (ALCS)" or "National League Championship Series (NLCS)"
- "World Series"
- Any team name (such as "Yankees")
- Any team nickname (such as "Yanks")
- Any MLB or team logo

You may, however, say or print the following:

- "The professional baseball championship"
- "The baseball playoffs"
- The dates of the games
- The names of the cities of the competing teams in the games, but not the team names

## Unauthorized Distribution of Championship Game Tickets

MLB and its authorized agents are the only legal sources for distribution of tickets. Your station may not conduct a promotion giving away tickets to the MLB championship games, even if your station validly purchased the tickets. The only exceptions to this general rule are if your station conducts a promotion with an official sponsor that has written permission from MLB to conduct the promotion, or if MLB provides written permission directly to your station.

## News Reporting on the Championship Games and World Series

MLB holds property rights in the accounts and descriptions of the championship games and surrounding events and licenses their broadcast rights. Unless your station has obtained official press credentials, you are not permitted to report on the championship games from the venue while the event is taking place. After the event has ended, you can report the "news" of the event, such as the winner and the score of the game.

MLB has the right to charge a fee for use of game and event highlights. Your station needs to obtain consent from MLB or the local rights holder prior to the use of any highlights in your station's newscasts.

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*F. Scott Pippin is Senior Counsel at Lerman Senter PLLC, where he focuses on compliance issues*

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that affect commercial and non-commercial radio and television

stations. Before practicing law, he worked in broadcasting for 20

years, including as general manager of an NPR radio station.

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