

Chapter 2

Sports/Media Complex in the New Media Landscape

2.1 Introduction

Over the years, the sports sector and the media sector have developed a self-interest relationship. Both industries gain benefits from the complementary nature of their interests: while sport provides valuable content and audiences for media operators, the media is a revenue source and promotional tool for sport.¹ The sale of exclusive live sports broadcasting rights is an important, if not the principal, source of revenue for sports organisations and clubs (besides ticketing, marketing, etc.), whereas live sports content is decisive for media operators to create an attractive programming for their audience. Wide coverage through television, for instance, can result in significant exposure for sports leagues. Such exposure can deliver private benefits to the league and the clubs in the form of increased revenue from sponsorship and attraction of new supporters.² This implies that, without cameras, major sports events would have virtually no meaning at all. This interdependence among sports organisations, media conglomerates and sponsors is often referred to as the “*sports/media complex*”,³ “*media-sport-cultural-complex*”⁴ or “*media-sport-production complex*”.⁵ In the next sections, the different roles and interests of those three key players in this sports/media complex will be described. Additionally, the public/fans will also be considered as an important actor in this complex.

¹ Bolotny and Bourg 2006, 112.

² Grant and Graeme 2008, 593.

³ Jhally 1989, 77.

⁴ Rowe 1999, 4.

⁵ Maguire 1991, 316.

2.2 Sports/Media Complex in the Analogue Media Landscape

Over the years, a symbiotic relationship between sport and media has been developed which can be seen as a fusion among media, sport and advertising.⁶ In the analogue past, the stakeholders of the sports/media complex had clearly defined roles and the win-win situation for all the actors was apparent.

2.2.1 Sports Clubs and Sports Organisations

The sports sector benefits from this sports/media complex, because it receives a well needed infusion of money from sponsors as well as media organisations.⁷ As ticket sales represented the major revenue source for sports organisations in the past, the introduction of televised sports was originally feared to cause depletion in stadium attendance, because people could attend the events directly from their own living rooms. Live coverage of sports events, however, soon demonstrated not to be detrimental to attendance, but on the contrary, to have the possibility to become a fan builder.⁸ As a result, Buraimo referred to televised sports as “*being a complement to stadium attendance*”.⁹ Sponsorship deals have also become important revenue streams for sports teams and organisations, causing sports teams and organisations themselves to now heavily rely on the support of sponsors.¹⁰

The sponsors’ and media’s increasing involvement in, and control over, sport has put the sponsors and media companies in a powerful position to dictate the characteristics of events or indeed, even to change fundamental aspects of the sport.¹¹ Rules have been changed or abandoned and playing conditions revised so as to enhance media coverage and attract sponsors fees. A white ball, instead of the traditional brown ball, and distinct coloured shirts were introduced to increase the watching experience of football viewers. To get the chance to broadcast as many football matches as possible, matches played at the European level were split into different shifts. The UEFA Champions League matches are played on Tuesday and Wednesday evenings and the UEFA Europa League on Thursday evenings, while in the past, they were all played on Wednesday.¹² Similar changes were made in volleyball. To make volleyball games more appealing, the International Volleyball Federation modified the scoring system. Before 1999, points could be scored only when a team had the serve and the sets went up to 15 points. To make the length of

⁶ Silk 2004, 233.

⁷ Slack and Amis 2004, 270.

⁸ Forrest et al. 2010, 112–135.

⁹ Buraimo 2006, 108.

¹⁰ PriceWaterHouseCoopers 2008, 168.

¹¹ European Commission 1998, 12; Stead 1986, 189; Hargreaves 1986, 120.

¹² Kestens 2005, 21.

the match more predictable and sensational, and thus more television friendly, the game now continues until the first team scores 25 points. Additionally, events are sometimes held at a time of the day that would not appear to be in the best interests of the athletes involved, but which fit viewer habits and thus the broadcasters' preferences.¹³ During the 1994 FIFA World Cup in the United States, for example, football matches were played at the hottest time of the day so that they could be broadcast in Europe at prime time.¹⁴ The same goes for the swimming contests during the Beijing Olympics in 2008. At the American broadcasters' request, the swimming finals were held in the morning, i.e. prime time in the United States.¹⁵

2.2.2 Media Companies

While sports organisations could benefit from media publicity, for broadcasters, live coverage of sports events is important, because it gives them a credibility and profile in the marketplace as well as lucrative audiences to advertisers.¹⁶ Because the economics of broadcasting require sufficient audience size to produce adequate financial resources, audience share is the buzz word in the media sector. Viewing figures are a key indicator for the popularity of a channel. Where these figures are low it is impossible to attract advertisers or investors. To boost the viewing figures, it is crucial to put together a very attractive and appealing set of programmes, preferably not available on other channels. It is known that some content, more than others, can trigger consumers' and advertisers' attention. Sport unmistakably has this ability.¹⁷

Sports programming is particularly desirable for broadcasters, because of its ability to attract viewers with significant buying power that would, otherwise, be hard to reach in large numbers, i.e. young men with an above-average spending power. The problem with this group is that they watch less television than others and, thus, are much harder to reach by advertisers through television advertising. Nevertheless, given that football (in most European countries) seems to have the ability to attract this particular group of the population, broadcasters can sell advertising slots during sports programmes for a higher rate than during other programmes.¹⁸ The advertising spots during the Super Bowl, for example, are the most expensive ones. Super Bowl broadcaster CBS Corp has sold all its television

¹³ Stead 1986, 190.

¹⁴ The New York Times 1990.

¹⁵ BBC Sport 2006.

¹⁶ Boyle and Haynes Boyle and Haynes 2000, 70.

¹⁷ Vanderkelen 1997, 82.

¹⁸ Commission decision, 23 July 2003, para 74; Rosner and Shropshire 2004, 139; Hoehn and Lancefield 2003, 554.

advertising around the season-finale match in February 2010, with the top spots going for more than \$3 million.¹⁹

Additionally, the European Commission often recognised that exclusive and live sport constitutes a “*stand-alone driver content*” for new media operators to enter (and stay) in the broadcasting market.²⁰ In fact, most of the pay-television packages include live football as part of its content when launched.²¹ Murdoch even described sport as the “*battering ram*” of his pay-television service.²² The CEO of Premiere, further, specified this by saying that “*exclusive programming rights are the foundation for successful pay-TV—why else should viewers pay extra for television*”.²³ Evidence from different countries illustrates the importance of live sport in this respect. In December 2005, for example, the German pay-television operator Premiere lost 42 % of its market value and a part of its subscriber base after having failed to buy the rights for the Bundesliga, while the new Bundesliga rights owner Unity Media’s Arena attracted over 900,000 subscribers in only a few months.²⁴ The same goes for TPS in France, when it lost the rights to Ligue 1 matches.²⁵

This intensified struggle for market share, viewers and subscribers has caused a substantial increase in demand for exclusive live sports broadcasting rights, ultimately leading to highly valued rights contracts for popular sports events. The broadcasting rights for the first English Premier League, for instance, were acquired by BSkyB for around €280 million for five seasons in 1992, or €56 million per season. In 2006, BSkyB and Setanta paid around €2.5 billion for the live broadcasting rights in the UK for three seasons, i.e. more than €830 million per season.²⁶ The total revenues generated by the Premier League for the 2010–2013 rights further increased by 4.5 %.²⁷ Likewise, the value of the European broadcasting rights to the UEFA Champions League rose from €71 million for the 1992–1994 seasons, i.e. more than €35 million per season, to €638 million for the 2006–2009 seasons, i.e. more than €212 million per season.²⁸

¹⁹ Sportbusiness International 2010a.

²⁰ Commission decision, 2 April 2003, para 61; Commission decision 23 July 2003, para 20.

²¹ Boyle and Haynes 2004, 54–55.

²² The Independent 1996.

²³ Premiere 2006.

²⁴ Hatton et al. 2007, 346.

²⁵ Ofcom 2008, para 3.66–3.72; Ofcom 2009, para 3.31.

²⁶ Ofcom 2007, 19 and 28.

²⁷ Financial Times 2009.

²⁸ Lefever and Van Rompuy 2009, 247.

2.2.3 Sponsors

Sponsors play an important role in this triangle. The concept of sports marketing is defined by Skinner as “*the process in which companies make use of popular and alternative sports, and the athletes prominent within those sports, to connect with consumers*”. Skinner further indicated that a sponsorship agreement is a reciprocal arrangement, where those being sponsored (a sports organisation, an individual athlete, etc.) may receive funding and the sponsoring corporation receives the benefits of the marketing advantages of being associated with sports teams, sports events or athletes.²⁹ Sponsors hope that, by investing in sport, they will increase the public’s awareness of their brand and consequently build their brand equity.³⁰

It should be said that it is important for sponsors to be linked with clubs, events or athletes that are positively evaluated by the public. In 2009, for example, AT&T, Accenture and Gillette communicated they would no longer sponsor top golfer Tiger Woods, who announced that he would take an indefinite break from the sport after the storm over his private life. According to the different sponsors, Tiger Woods was no longer the right representative for their companies. Even though a recent University of California study suggested the total economic damage of the Tiger Woods affair to all involved parties could amount to as much as \$12 billion, Nike, Wood’s main sponsor, announced that it would continue to sponsor him. Phil Knight, the chairman and co-founder of the sportswear company, brushed off the scandal engulfing Woods as ‘part of the game’ of sponsorship deals.³¹

The most efficient way to reach as many people as possible is via media exposure. Given that one image says more than a thousand words; television coverage is for sponsors virtually obligatory nowadays. It puts them in contact with a potentially massive group of customers.³² For example, 8 billion viewers followed EURO 2004 in Portugal³³ and worldwide television audience of more than 700 million people was expected to have watched Spain’s 1-0 extra-time victory over the Netherlands during the 2010 FIFA World Cup final.³⁴ It is obvious that the more media coverage an event will get, the better it is for the sponsors.³⁵ Therefore, events such as the FIFA World Cup, the European Championship or the Olympic Games offer multiple opportunities for lucrative sponsorship deals to market brands and develop business.³⁶ Due to wide media exposure of these events, sponsorship fees for these events have escalated. For example, the official

²⁹ Skinner 2010, 104–106.

³⁰ Smith 2008, 173 and 192; X 2009, 15.

³¹ See e.g.: BBC News 2009a; BBC News 2009b; Guardian 2009; Telegraph 2009.

³² Hargreaves 1986, 118.

³³ UEFA 2008.

³⁴ Sportbusiness International 2010b.

³⁵ Slack and Amis 2004, 270.

³⁶ Commission of the European Communities 2007, SEC(2007) 935, 31.

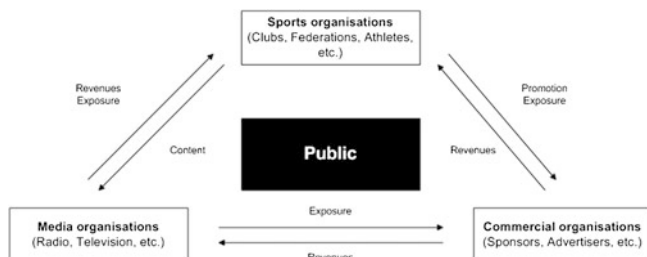


Fig. 2.1 Sports/media complex in the analogue media market (based on de Moragas et al. 2003)

partners of FIFA World Cup 2006 have spent €700 million on the tournament.³⁷ Coca Cola alone spent more than \$70 million to be one of the top Olympic sponsors for the 2008 Beijing Games and 2006 Turin Games.³⁸ PriceWaterHouseCoopers determined that sponsorship revenues in sports will increase from €260 million in 2007 to €400 million in 2012.³⁹

2.2.4 *Public: Fans*

Without question, sport is an area of human activity that greatly interests citizens, with a majority of people passionate about sport and taking part in sports activities on a regular basis.⁴⁰ Sports minded people do not only enjoy sport actively, but also passively. As a result, going to the stadium to see their favourite team play is often seen as the perfect pastime. Thanks to the media, the exploits of the athletes and the emotional experience from being in the stadium are also brought to the public at home, who is given the impression that they are live spectators in the stadium. Moreover, additional features, such as replays, different camera positions, close-ups, etc., make viewers feel part of the event, because it helps them to see things that stadium audiences often missed.⁴¹

2.2.5 *Sports/Media Complex in the Analogue Media Landscape: Summary*

Figure 2.1 reflects the intertwined relationship of the different stakeholders of the sports/media complex in the analogue media market.

³⁷ Guardian 2006.

³⁸ Businessweek 2008.

³⁹ PriceWaterHouseCoopers 2008, 168.

⁴⁰ Commission of the European Communities 2007b, COM (2007) 391 final, 2–3.

⁴¹ Whitson 1998, 63; Maguire 1993, 39.

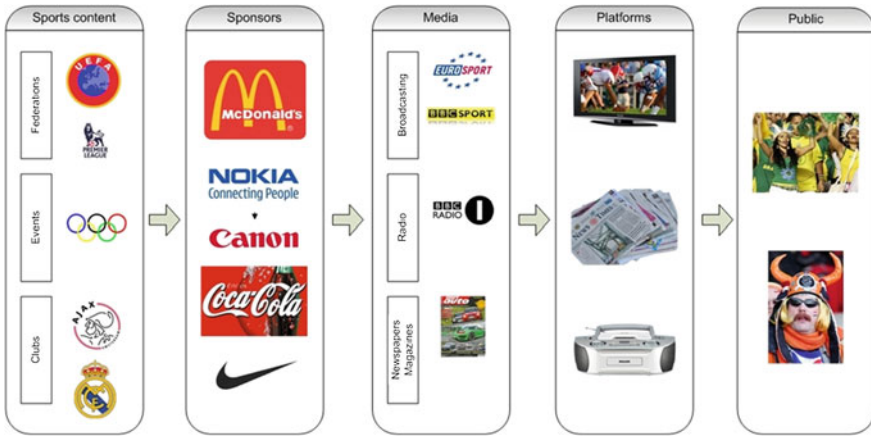


Fig. 2.2 Sports/media complex and the value chain of the analogue media sector

Stakeholders' interests of the sports/media complex could go along, but could also be opposed to each other. Given that sports organisations need revenue from both media organisations and commercial organisations, they try to sell their broadcasting rights for a very high price to media companies and try to close lucrative sponsorship deals with commercial organisations. If a pay-television operator is willing to pay a huge amount of money for exclusive sports broadcasting rights, sports organisations will probably accept that offer. However, this will not be in the interest of the commercial organisations or the public/fans. In fact, commercial organisations want to reach as many people as possible via media exposure in order to increase consumers' awareness of their products, services and brands. And the public's main interest is to have access to sports coverage on television, preferably for free or for a very low price. Given that a part of the public is not keen on or not able to pay extra for a subscription to a pay-television channel, these channels can only attract a smaller audience. For commercial organisations, this means less exposure and a possible shortfall in revenues. Nevertheless, it is possible that sports organisations will accept a lower offer from free-to-air broadcasters in order to increase stadium attendance or interest in the sport via extra media publicity. The latter is most likely in the interest of both the fans and sponsors.

Figure 2.2 reflects how the sports/media complex can be integrated in the value chain of the analogue media sector.

2.3 Sports/Media Complex in the Digital Media Landscape

Due to the evolution of media technology in the twentieth century, the sports/media complex has somehow changed, allowing the different stakeholders to take up new roles. While, in the past, the actors in the sports/media complex had clearly

defined roles, this is no longer the case in the new sports/media complex. It is apparent that the emergence of digital technology and the expansion of new media markets have driven this sports/media complex into a new dimension. This section will first take a closer look at the background and characteristics of the digital and converging media environment and secondly, this section will shed light on how these new technologies have changed the sports/media complex.

2.3.1 The Media Landscape in the Twenty-First Century: From an Analogue to a Digital Media Landscape

2.3.1.1 Introduction

Until the early 1990s, watching television was a passive, sit-back-and-relax experience. People came home from work, switched on the television and watched the programmes offered by broadcasters, in a fixed order. During the last decade, the media environment and the way the public consumes information have been altered. The public today requests, besides the traditional reporting, camera shots from different angles, additional information on previous events, comments by others on a separate forum and so on. In other words, viewers no longer passively submit themselves to linear audiovisual broadcasts or fixed texts, but desire on-demand services enabling them to decide where, when and on which device they experience the event.⁴² Under the impulse of technological and economic developments, this evolution will continue. This section will outline in short the impact of the main economic and technical trends in the media sector on how the public watches television.

2.3.1.2 Digitalisation

A. From Waves to Bits

In the past, television signals were exclusively broadcast as an electrical signal continuously varying in amplitude and frequency. This system, called analogue television, is currently being replaced by digital broadcasting. Digital television uses informational codes of 1s and 0s.⁴³ Hence, where traditional media are manufactured and shipped in a physical form or via analogue waves, digital media are broken down into intangible bits of information that are easier to manipulate, distribute and reproduce via computer-mediated communication.⁴⁴

⁴² Werkers et al. 2008, 43.

⁴³ EICTA 2008.

⁴⁴ Boyle and Haynes 2003, 96.

In case of analogue television, each individual frame of film or video is transmitted, meaning that in order to broadcast the image each complete frame must be redrawn on the screen. Whereas with digital technology only the changes from frame to frame, are transmitted, allowing more information to be sent using the same bandwidth.⁴⁵

Hence, the most significant impact of digitalisation is the immediate expansion of capacity, effectively removing a limitation that existed in the analogue period.⁴⁶ A channel that used to carry a single analogue service can now carry up to seven higher quality digital services by satellite, cable or four terrestrially broadcast programmes.⁴⁷ Thus, replacing analogue broadcasting with a system based on digital techniques presents huge advantages in terms of efficient spectrum (or other infrastructure) usage.⁴⁸ Digital technology also offers new services, such as pay-per-view, near-video-on-demand, electronic programme guides, interactive features, etc. and improves picture and sound quality. Thanks to all these benefits, the European Commission stressed, in its i2010 action plan,⁴⁹ the crucial role of digital services in the further development of the information society.⁵⁰ Given that new Information and Communication Technologies (ICT) might be a strong driver for “reinforcing Europe’s cultural diversity by making our heritage and our cultural creations available to a wider number of citizens”,⁵¹ the European Commission is pushing citizens to go digital as soon as possible.

B. Convergence

In the past, there were clear boundaries between different services, each being linked to their own specific infrastructure. On the one hand, broadcasting programmes were distributed via the air (terrestrial television), cable (cable television) or satellite (satellite television) to the viewers. On the other hand, the telecommunication network was used for private communication (telephony).⁵² Due to the digital evolution, these clear boundaries became increasingly blurred and the telecommunications and broadcasting sectors are increasingly using the same infrastructure technologies. In practice, all different services, whether voice, data, sound or pictures, are no longer stuck to their “specialised” infrastructure, but can now be transmitted over every network.⁵³ The phenomenon of all networks

⁴⁵ Harrison and Woods 2007, 52.

⁴⁶ Commission of the European Communities 1997, COM(97) 623, 3.

⁴⁷ See e.g.: European Audiovisual Observatory 1999, 6–7.

⁴⁸ Commission of the European Communities 2003, COM(2003) 541 final, 5.

⁴⁹ Commission of the European Communities 2005, COM(2005) 229 final.

⁵⁰ Evens et al. 2010.

⁵¹ Commission of the European Communities (2005). COM(2005) 229 final, 9.

⁵² Valcke 2004, 20.

⁵³ See e.g.: *Ibid.* 75; Commission of the European Communities 1997, ii.

being able to deliver any kind of service to any kind of platform is better known as “convergence”.⁵⁴

Commissioner Reding stated that “*mobile television is a key example of the digital convergence between networks, devices and content*”.⁵⁵ As mobile operators are facing decreasing average revenue per user, due to intensified competition and regulatory interventions such as restricted termination tariffs and roaming fees, mobile television acts as the latest cash cow opportunity to generate new revenues. In doing so, mobile television challenges established business models by providing an innovative distribution mechanism for content delivery in order to reach new audiences or to target the traditional prime time audience at other times of the day.⁵⁶ Another example of convergence is the Internet, being able to transport text, image, video and sound.⁵⁷

C. Interactivity

The next aspect of digitalisation is interactivity. Where traditional mass media were about the one-way flow of information, new media incorporate the ability to interact with the medium in a two-way or multilateral communication. Interactive television blurs some of the boundaries between the so-called “lean back”-experience of watching television and the “lean forward”-experience of personal computing.⁵⁸ Through interactivity, passive experiences will be transformed into something infinitely richer and more compelling giving the user some influence on the content. In practice, this usually means that, in one way or another, the system presents the user with choices.⁵⁹ In fact, Reding referred to this evolution as the transition from “*a passive “couch potato” attitude towards media, such as traditional TV or Cinema, towards an interactive consumer attitude similarly to blogging or chatting*”.⁶⁰

D. User-Generated Content

In the past, only newspapers, radio operators and television operators were able to communicate to the masses. However, the combination of cheap electronic devices

⁵⁴ For more information on convergence, see: Commission of the European Communities 1997, COM(97) 623.

⁵⁵ Reding 2006b, SPEECH/06/157, 2.

⁵⁶ IBM 2006, 1; Södergard 2003; Urban 2007, 48.

⁵⁷ Commission of the European Communities 1997, 3; Reding 2006a, b SPEECH, 2; Iosifidis 2002, 30.

⁵⁸ Boyle and Haynes 2003, 148.

⁵⁹ Feldman 1997, 13.

⁶⁰ Reding 2006a, SPEECH, 3.

linked to digital communication networks has resulted in the unprecedented lowering of the threshold to media content production and consequently, the blurring of the traditional allocation of tasks between producer and consumer. Whereas, in the past, audiovisual content production was a privilege largely attributed to a limited number of (professional) broadcasters (the production of content was very expensive), at the moment, audiovisual content can be created and distributed by anyone who has access to a camera (today even available in mobile phones) and a connection to the Internet. This means that broadcasters have lost their broadcasting monopoly and they are facing competition of viewers themselves putting video extracts on the web.⁶¹ Time Magazine recognised this power shift in the media by naming ‘you’ as the Person of the Year in 2006.⁶²

New communication technologies have clearly improved the abilities of individuals and groups to distribute the content they create and to redistribute content produced by others.⁶³ The content that is created in this way is referred to as “user-generated-content”. As indicated by Valcke and Lenaerts, defining user-generated-content is very difficult, because there is no officially accepted definition. According to them, “*user-generated-content is understood very broadly to include all content put online by users, whether it was created by them or not*”. It is, however, worthwhile to note the difference between “user-generated-content” and “user-created-content”. The latter is limited to content that was actually created by users.⁶⁴ The OECD, for example, defines user-created content as “*a) content made publicly available on the Internet; b) which reflects a certain amount of creative effort; c) which is created outside of professional routines and practices*”.⁶⁵

The OECD argued that the rise of user-generated content could lead to “[...] *increased participation and increased diversity*”⁶⁶ and that it should be seen as “*an open platform enriching political and societal debates, diversity of opinion, free flow of information and freedom of expression*”.⁶⁷ Although user-generated content can be very valuable, it also has its drawbacks. The Independent Study on Indicators for Media Pluralism in the Member States, for example, emphasised that user-generated content could produce benefits, but that it could also create potential harm to pluralism (*infra*).⁶⁸

⁶¹ Werkers et al. 2008, 44.

⁶² Time 2006.

⁶³ ICRI et al. 2009a, 12.

⁶⁴ Valcke and Lenaerts 2010, 129.

⁶⁵ OECD 2007, 4.

⁶⁶ Ibid. 5 and 35.

⁶⁷ Ibid. 6.

⁶⁸ ICRI et. al. 2009b, 9.

2.3.1.3 Liberalisation

In the past, broadcasting services as well as telecommunication services were characterised by monopolies. The standard structural form of broadcasting services in Europe was traditionally that of a monopoly, granted under the argument that some essential social, cultural and political interests would not be served by a market based, competitive broadcast system. The results of these policies and a limitation of the available spectrum resulted in a limited choice for viewers. The emergence of new infrastructure means, such as cable and satellite, allowed new players, other than the traditional public broadcasters, to enter the broadcasting market. As a result of this evolution, Member States began authorising commercially funded broadcasters to supplement public service broadcasters.⁶⁹ In addition, telecommunications were seen as natural monopoly.⁷⁰ One of the reasons exclusive rights were granted was that telecommunications systems, and in particular telephony, were seen as a public service, fulfilling the important social function of enabling people to communicate.⁷¹ However, as indicated by Nikolinakos, this situation changed due to digitalisation, convergence and the growing international and competitive character of the telecommunications sector.⁷² In order to increase the competitiveness of the European telecommunications industry, the European Commission proposed opening the internal telecommunications market to competition by means of liberalisation and harmonisation measures.

Hence, these recent policy developments towards liberalisation within the telecommunications sector and breaking up the broadcasting monopolies have fundamentally reshaped the media landscape. Previously, distinct players entered each other's territories: telecom companies started to offer digital television services; cable television operators started to offer voice and Internet services. Previously, distinct markets have merged into a broad communications industry.

2.3.2 *Sports/Media Complex in the Digital Media Landscape*

2.3.2.1 Sports Clubs and Sports Organisations

Sports clubs and sports organisations themselves have discovered the opportunities of new media to get in touch with their fans as well as to extract commercial values from those new services. The clubs realised that, to keep up with all the new trends and to intensify the relationship with the fans, they had to become a

⁶⁹ ICRI et al. 2009a, 14.

⁷⁰ Larouche 2000, 29.

⁷¹ Nikolinakos 2006, 21.

⁷² *Ibid.*

multimedia company themselves. Jakubowicz defined this trend as “disintermediation”. This means that intermediaries, such as media organisations, are eliminated. Anyone can offer information and other content to be directly accessed by users and receivers. Hence, disintermediation allows sports (and other) entities to become content providers and disseminators themselves, bypassing traditional media and reaching out directly to the general public.⁷³

The first step in bringing sports events, sports clubs and athletes closer to the public is the creation of a club website containing news about the club, results, team line-ups and so on. Additionally, the aim of these websites is to become a meeting point for the fans offering them opportunities to communicate on a forum with each other about issues such as the merits of different teams and players.⁷⁴ Given that the Internet is a visual platform, websites do not only offer text, but also a variety of images. With the aid of improved bandwidth, the volume of photos and video footage available on those websites has been increasing a lot.⁷⁵ This audiovisual material provides also another opportunity for clubs to attract advertisers and make profit.⁷⁶

In order to connect with the public, clubs launched their own television or online channels offering highlights of the matches, daily news, exclusive interviews with players and coaches, live coverage of reserve games and so on. An early experiment was the launch of “MUTV” by Manchester United in 1998. MUTV was the first football television station to broadcast on a daily basis in order to promote the identity and the image of the club. This example was followed by other big clubs such as Barcelona with “Barça TV” and Real Madrid with “Real Madrid TV”, as well as smaller clubs such as the Belgian team RSC Anderlecht with “RSCA TV”.

Furthermore, it should be noted that a range of sports organisations are already offering video footage of their sports free of charge via YouTube. YouTube has a deal with different European football clubs such as AC Milan, Chelsea, Barcelona and Real Madrid to offer content on their platform.⁷⁷

Finally, sports clubs and sports associations are not only active on traditional television and Internet, but they have also discovered the opportunities of mobile services. Mobile technologies represent an effective way to reach new consumers and provide value-added components to dedicated consumers. Due to the almost universal availability of mobile phones and the significant market penetration worldwide, sports organisations can reach a large and often specifically targeted audience.⁷⁸ In addition to SMS, sports clubs are able to offer sports branded ring tones, wallpapers, interactive games, match highlights, score updates, game

⁷³ Jakubowicz 2009, 12 and 19.

⁷⁴ Rowe 2004, 206.

⁷⁵ Standing Committee on Environment, Communications and the Arts 2009, 12.

⁷⁶ ENPA 2005, 2.

⁷⁷ BBC News 2007a.

⁷⁸ Santomier and Costabiei 2010, 41.

schedules, news flashes and breaking news via text messaging.⁷⁹ With “MyMadrid”, Real Madrid even goes a step further. This mobile community provides to all Real Madrid fans the possibility to buy tickets, to get all the information about matches, the club as well as the players. The members of MyMadrid community will also be able to chat with each other, to give their opinion about the matches and take part in different sport events and contests.⁸⁰

2.3.2.2 Media Companies

Not only sports clubs have become media entities. Media companies, being producers of sports programmes, have in turn acquired controlling stakes in sports organisations, being the providers of content.⁸¹ For example, Real Madrid is part-owned by the Spanish telecommunications giant Telefonica and Paris St Germain by Canal Plus.⁸² This trend is often referred to as the “vertical integration strategy in sport” or “Murdochisation”. “Murdochisation” can be defined as “*a process by which corporations primarily involved in mass media or communications appropriate and integrate into their own organizations sport clubs. In doing so, the media groups gain access to and control of the competitive activities of the clubs, which they can distribute through their network*”.⁸³ The key driver of this vertical integration trend is to secure access to sports broadcasting rights.⁸⁴ Therefore, the increasing convergence between sports organisations and media conglomerates is driving the sports/media complex to a new dimension, allowing media companies to have exclusive access and closer control of broadcasting and merchandising rights.⁸⁵

Still, it is argued that this vertical integration process is likely to decrease broadcasting competitiveness, eliminate third parties and depress the fees for broadcasting rights. This is the reason why the Monopolies and Mergers Commission denied the takeover of Manchester United by BSkyB in 1999.⁸⁶ According to this Commission, the merger would damage competition among broadcasters and would be detrimental to the wider interests of British football, because BSkyB would have a natural advantage over competitors in the bidding contest, since a proportion of its bid would return automatically to the company through the

⁷⁹ *Ibid.*; Boyle 2004, 73–82.

⁸⁰ Eufootball.biz, 2009.

⁸¹ Gratton and Solberg 2007, 95 and 97.

⁸² Silk 2004, 236.

⁸³ Horne 2006, 49–50.

⁸⁴ Gerrard 2004, 258.

⁸⁵ Evens and Lefever 2011, 38.

⁸⁶ For more information about this decision, see: Monopolies and Mergers Commission 1999; Binmore and Harbord (2000). 142–144; Crowther 2000, 30–35; Cave and Crandall 2001, Hoehn and Lancefield 2003, 564–565.

football club.⁸⁷ This is called a “toehold effect”. In practice, a toehold effect exists when a bidder in an auction has an ownership stake in the property being sold and that stake increases the bidders’ chances to win the auction, even when the ownership stake is relatively small. Bidders with a toehold ownership stake have an incentive to bid above the property value since part of the bid price would be automatically reimbursed to the bidder through his ownership stake.⁸⁸ As a result, the England and Wales Premier League, for example, ruled that no media company should be allowed to own a stake over 10 % in a football club.⁸⁹ In order to protect the integrity of the sport, the UEFA furthermore stipulated a multi-ownership rule. This rule entails that a company or individual cannot directly or indirectly control more than one of the clubs participating in a UEFA club competition (*infra*).⁹⁰ National football associations too have rules preventing one company or individual from having a controlling stake in two or more clubs playing in the same competition.⁹¹

2.3.2.3 Sponsors

New media have come to refer a different style of marketing where sport marketers can communicate in novel ways with sports consumers (such as websites and mobile phones). However, new media marketing means more than just using up-to-date technology within a traditional marketing programme. It also refers to a novel marketing approach that recognises the complex social and technological world that sports consumers occupy. As indicated by Smith, new media marketing must do more than just use new technology to be effective. The strategy also needs to respond to the changing lifestyle and expectations of sports consumers.⁹² A good example of this new way of marketing is the video featuring tennis star Roger Federer who knocks off a can of a crew member’s head in true William Tell style, while shooting an ad for Gillette. This video had the Internet buzzing about the question whether his exploits were real or fake. The video has already been viewed over a million times, and we are still waiting for the Gillette commercial they were actually shooting...⁹³

⁸⁷ Dobson and Goddard 2001, 84–85.

⁸⁸ Gerrard 2004, 262–263.

⁸⁹ Ofcom 2007, 24.

⁹⁰ Rapid Press Releases 2002, IP/02/942.

⁹¹ Cave and Crandall 2001, 22.

⁹² Smith 2008, 259–261.

⁹³ See e.g.: The Daily Telegraph 2010; YouTube 2010.

2.3.2.4 Public: Fans

The sports/media complex has been altered forever by new digital media, but so has the role of the sports audience. Currently, the public is afforded the opportunity to produce their own sports content and distribute it on the World Wide Web (*supra*). The new media technologies have offered the public (including the athletes themselves) the opportunity to run their personal blogs to report and express their personal opinion on sports events. They sometimes illustrate their texts with pictures or videos, images of the game or images of the atmosphere, for example, taken at the scene.⁹⁴ Individuals now have a place next to traditional producers of sports content in the digital sports landscape.⁹⁵

However, as the saying goes, “all that glitters is not gold”. In fact, the Internet not only provides interesting original online creative content generated by new actors, it is also swarming with illegal and harmful content that infringes the rights of others. One of the problems that has been given much media attention is the fact that sports events (in all formats: text, audiovisual, radio, webcast, etc.), being covered by exclusive media licensing agreements, are now on a large scale copied by fans without the authorisation of the rights holders involved.⁹⁶ Therefore, the Premier League decided to sue YouTube, for posting user-generated videos that infringe exclusive deals with other media operators.⁹⁷ Both Viacom and the Premier League lost the case in first instance. According to the US Court, YouTube is not infringing copyright when the public is posting unauthorised videos to the site. YouTube only becomes liable for infringement when it does not immediately remove videos from its website once it has been told that these videos infringe specific copyrights.⁹⁸ During the Beijing Games in 2008, the International Olympic Committee (IOC) requested the Swedish authorities for the removal of copyrighted Olympics content illegally stored on the peer-to-peer network Pirate Bay.⁹⁹ In June 2011, The Times obtained information that Apple wants to stop iPhone users from filming live events, such as sports events or concerts, with their smartphone. According to The Times, Apple is developing software that will sense when a smartphone user is trying to record a live event. Sensors would automatically instruct the iPhone to shut down its camera function. Other features, such as texting and making calls, would still work.¹⁰⁰ According to The Times, the development of this software is seen as an attempt to protect the exclusive rights holders.¹⁰¹

⁹⁴ Werkers et al. 2008, 43.

⁹⁵ Mahan and McDaniel 2006, 429; Rowe 1999, 168.

⁹⁶ Werkers et al. 2008, 45.

⁹⁷ See e.g.: BBC News 2007b.

⁹⁸ United States District Court 2010.

⁹⁹ Newton 2008.

¹⁰⁰ Daily Mail 2011.

¹⁰¹ News.com.au 2011.

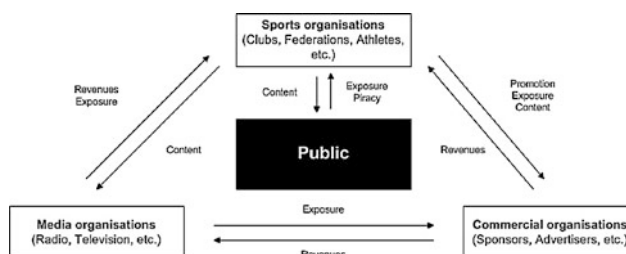


Fig. 2.3 Sports/media complex in the digital media market

However, during the 2006 FIFA World Cup, one of the new media innovations was the involvement of the public in user-generated content, which included participation and involvement through self-production of videos and pictures.¹⁰² Furthermore, Santomier and Costabiei argued that, from a content distribution perspective, sports organisations should develop a strategy for integrating appropriately selected user-generated content with traditional sports content. In particular, sports organisations will determine which content will be made available via digital feeds to the public offering the latter the possibility to create their own services, such as a video or a blog.¹⁰³

The evolution that users have taken up the role of creator and distributor of content created new opportunities for citizens to exercise their right to freedom of expression and information by recording and distributing information and video fragments of important events on the one hand, but, on the other hand, the opportunity for citizens to violate the exclusive rights of broadcasters who offer the events.¹⁰⁴

2.3.3 Sports/Media Complex in the Digital Media Landscape: Summary

Figure 2.3 shows the intertwined relationship of the different stakeholders of the sports/media complex in the digital media market:

This figure reflects the new reality that everybody can or has become content producer. Not only media organisations are interested in broadcasting sports events, commercial organisations, the public and the sports organisations too are offered the possibility to produce their own sports content. As a result, new conflicting interests have emerged in this changed media landscape. Sports content is now wanted more than ever. For example, supporters who use digital cameras or

¹⁰² Santomier and Costabiei 2010, 43.

¹⁰³ Ibid. 47.

¹⁰⁴ Werkers et al. 2008, 44.



Fig. 2.4 Sports/media complex and the value chain of the digital media sector

smartphones during games and upload content may violate exclusive contracts which sports organisations have agreed upon.¹⁰⁵ In fact, this is actually the main fear of the sports organisations wanting to guarantee that only the rights holding broadcasters could cover the sports event. Naturally, the sports content would be devaluated without this exclusivity and this would of course result in lower prices for the broadcasting rights. However, as indicated above, some sports organisations have embraced the opportunities created by user-generated content. They realised that user-generated content could create opportunities apart from threats. In fact, user-generated content could reach new fans leading to an increased interest in their sport. Furthermore, given that sports organisations can take over the role of multimedia companies themselves, they can eliminate media organisations as the main and only source of sports coverage and can directly reach out to the public. It is, however, important that these new content providers recognise that broadcasting, editing and generating sports content does have legal consequences which need to be taken into account. Depending on the role they will fulfil (audiovisual media service provider, e-publisher or platform provider), media obligations and risk of liability will be different.¹⁰⁶ Given that the old and traditional balance between the public, media organisations, commercial organisations

¹⁰⁵ Lefever and Werkers 2010, 217.

¹⁰⁶ For more information about the new media players and their new obligations, see: Lefever and Werkers 2010, 214–219.

and sports organisations is under pressure, the question rises how the legislator should deal with these new evolutions in order to enhance new media operators' access and the public's access to live sports content. This will be discussed in the following Parts.

Figure 2.4 reflects how the sports/media complex can be integrated in the value chain of the digital media sector. The main difference with the analogue value chain is that the public is included as a media provider and thus, that user-generated content is put on the same level as professional media.

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