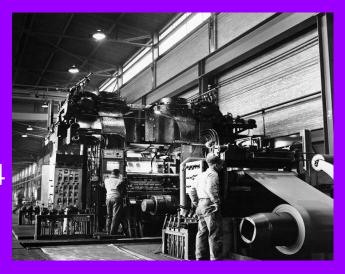
Antitrust and Its Effect on Professional Sports, NCAA and NIL.



History of Antitrust Law in America.



- -Sherman Antitrust Act of 1890
- -Federal Trade Commission Act of 1914
- -Clayton Act of 1914





Modern Iterations of Antitrust Law.

- -Sherman Act and Trade.
- -FTC and method of Competition.
- -Clayton Act and Mergers.





Purpose of Modern Antitrust Law

- -Open Markets.
- -Competition Amongst Corporations.
- -Free Trade.





AntiTrust Application in Professional Sports.





Sherman Act and Prohibitions Amongst Competitors in Sports.





Competitors Joined in Single Entity Venture.

- -Los Angeles Memorial Coliseum Commission v. National Football League.
 - -Single Entity Designation.
 - -Individual Franchises In Order to Avoid Antitrust Scrutiny.
 - -Relationship Between Leagues and Their Members.
- -American Needle, Incorporated v. National Football League.
 - -Separate Actors and Separate Interests.
 - -Rule of Reason.



Sherman Act and Monopolization in Sports.



Natural vs. Organic Monopolization.

- -Supreme Court Two Part Test in United States v. Grinnell Corp., 384 U.S. 563, 570-71 (1966).
- -Superior Product Exemption.
- -Vertical Integration.
 - -MLB Antitrust Exemption.
 - -Independent Baseball Teams.



Current MLB Antitrust Issues.

-Nostalgic Partners v. Office of the Commissioner of Baseball.-Elimination of Competition.

-Daniel Concepcion v. Office of the Commissioner of Baseball.

-Wage Fixing





Unions in Sport and Antitrust Law.

- -Mackey v. National Football League.
- -Clayton Act and Exemptions Afforded to Unions.
- -Unions in All Major Sports.





Recent Development in Professional Sports, PGA and LIV Golf.

-PGA v LIV Golf League.

-Mickelson v. PGA Tour, Inc., (N.D. Cal. Oct. 25, 2022 -Sherman Act §1 and §2 violations.

-PGA and LIV Merger.





NCAA and Antitrust.





Antitrust and Challenges to NCAA Regulatory Powers.

- -NCAA and the Rule of Reason.
- -Amateurism Designation Protection.
- -Anti Compensation.



O'Bannon v NCAA (2015)

- -Approved Compensation.
- -NCAA Hypocrisy on display.
- -NIL Prohibition.
 - the College Education Market and the Group Licensing Market
- -Denial of EA Sports Deal.





NCAA v. Alston (2021)

- -Education Compensation Contravening antitrust Principles.
- -Education Costs v. Value of Athletic Services.
- -Education Related Compensation.
 - -NCAA Proactive Changes.
 - -Money Talks.





NIL Landscape Post Alston.

- -Interm NIL Policy.
- -NIL Collectives.
 - (1) marketplace collectives
 - (2) donor-driven collectives
 - (3) dual collectives
 - (4) yoke collectives
- -Self-Regulation.





Student-Athletes NII Rights and Competitive Balance

- -NIL Preserving Professional v. Amaeture Distinction.
- -Problems with Self-Reporting.
- -Pay to Win and Competitive Gaps.



Suggested Solutions to NIL Problems.



Hard NIL Cap for College Football.

- -NFL Model Cap problems.
- -Destruction of Distinction.
- -Students-Athletes as Employees?
 - -Collective Bargaining Agreements.
- -Hard Cap Benefits.
 - -Current NCAA Policies Undisturbed.
 - -NIL Market Predictability.
 - -Recruitment Equality.





NIL Hard Cap and Antitrust.

- -Horizontal PRice Fixing.
- -Hard Cap Promotes Competitive Balance.
- -Increase in College Education Market.





State or Federal Regulation.

- -Current State Laws and Applications.
- -Suggested Federal Regulation.
 -Push by the SEC.
- -Alternative Regulation.
 - -Independent Bodies.
 - -NCAA Governance.





NCAA Possible Action.

- -Employment of Athletes.
 - -Collective Bargaining (Again).
- -Conference Regulation.
- -Continuation of the Wild West.
 - -Money Money Money.



Conclusion.

- -Professional Sports and Changing Landscapes.
- _College Sports Navigating Antitrust.
- -NIL Massive Changes.



Questions?



