

Fair Competition (SPM6905 06D1/LAW 6930 1865)

Course Information, Syllabus, and Assignments

November 18, 2019 version (Spring 2020)

Course Information:

Dates: January 6 and end on April 22

Location: Online

Website: <https://lss.at.ufl.edu/> (Canvas)

Contact Information

Prof. Daniel Sokol

Holland Hall 359

(352) 273-0968

Email: sokold@law.ufl.edu

You may contact me through Canvas or email us directly. I will try to respond within 48 hours.

Office Hours: Monday 3-4 or by appointment.

Course Website: Canvass. If you need assistance with Canvas, you can find answers to specific questions on the UF e-learning help main page for canvas: lss.at.ufl.edu/help/

Additional support is offered by the UF Computing Help Desk 352.392.4357
helpdesk@ufl.edu

Course Communications: Please email me any questions that you have.

Required Text: Readings will consist of materials that are free (cases and handouts) and materials for purchase (Harvard Business School case studies). I will send out an email with a link to the Harvard course pack. This will provide you a 50% discount off of list price.

Prerequisite Knowledge and Skills: This class requires some basic business law knowledge.

Purpose of Course:

Competition addresses issues that have an important role in sports – antitrust, IP licensing, consumer protection and data privacy/data protection. All of these areas of law regulate what businesses can and cannot do in a sports context. Sometimes these are very general issues in terms of applicability. In other situations, some issues that may emerge are more specific to a sports setting.

Course Goals and/or Objectives:

By the end of this course, students will:

- Understand of the role of antitrust, intellectual property, consumer protection and data privacy in sport management.
- Increase awareness of current legal issues and emerging legal in antitrust, intellectual property, consumer protection and data privacy trends in sport.
- Think critically and analytically about the intersection between the law and technology as it relates to monetization of sports businesses.
- Provide an understanding of the basic principles of legal risk management.
- Read and understand the kinds of contracts commonly used in the field of sports management.
- Analyze hypothetical scenarios involving sports and recreation and predict what types of liability they might generate with regards to antitrust, intellectual property, consumer protection and data privacy

Learning Outcomes:

Analyze antitrust issues in both mergers and conduct

Assess and evaluate how and why antitrust impacts sports

Interpret and classify types of contractual terms in IP licensing

Analyze and respond to consumer protection scenarios

Differentiate the laws of antitrust, IP licensing, consumer protection and data privacy and their effect on sports management

Explain risk management

Teaching Philosophy: This class has a mix of cases and case studies. The purpose of such readings is to identify the importance of law in a business context.

Instructional Methods: We will have a series of lecture based classes.

Required Texts: All assigned readings are available on the Canvas page.

If you need assistance with Canvas, you can find answers to specific questions on the UF e-learning help main page for canvas: lss.at.ufl.edu/help/

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helpdesk@ufl.edu

Course Information and Policies:

Please read this syllabus carefully. This course is not completely self-paced. *All quizzes, exams, assignments, discussion posts, and so forth must be turned in by the date listed on the syllabus.* Quizzes and exams will only be available on the dates and times listed on the syllabus. Please put the relevant deadlines on your calendar! We will not accept assignments, quizzes, or discussion posts after the posted deadlines.

If personal circumstances arise that may interfere with your ability to meet a deadline, please let us know as soon as possible before the due date. Please keep in mind only university authorized excuses will be accepted, and documentation must be provided. Requirements for make-up exams, assignments, and other work are consistent with university policies:
<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

Please check the **Course Announcements** periodically for clarifications as needed.

This course is an online course, and all class sessions, assignments, and discussions will be delivered through E-Learning (Canvas). The Course is organized in 12 Weekly blocks with the following elements:

Lectures:

Most weeks will have four lectures. These lectures provide you with crucial information.

Readings:

Course readings will be assigned for each week, and you will be responsible for material in the readings, even if it is not covered in the lecture. Reading assignments will involve mainly case law. It is important to keep up with the reading so you can learn the key terms and concepts. Readings will either be included for free or will use Harvard Business School case studies, which the student will need to purchase online.

Exams:

Three (3) exams will be given during the semester. Exam 1 will cover Antitrust materials. Exam 2 will cover IP Licensing materials. Exam 3 will cover Consumer Protection and Data Privacy materials. Exam content will be based on material from lectures, PowerPoint slides, and other assigned readings (case law and assignments) from the weeks prior to that exam or from a case study. There will also be one (1) cumulative final exam. NO MAKE-UP EXAMS will be given without an excused, approved absence. Exams are to be scheduled and taken on Canvas. Directions for this process can be found on the Canvas course site.

Any missed exam will result in a zero. If you have a conflict (that warrants a make-up) with the exam dates or times, you must e-mail the course instructor at sokold@law.ufl.edu *at least seven days prior* to the exam to request a possible make-up time and date. Please provide specific information for your request. Make-ups will only be given for very rare, extenuating circumstances. In the event of an emergency (medical, death in family, etc.), contact the course instructor as soon as possible prior to the exam. Documentation of the emergency will be required.

Discussion Questions and Discussion Boards:

Students will take part in three (3) discussions during the semester. See list of deadlines below. Students will be required to post an Initial Post based on the instructions/subject matter, but must also post at least one subsequent posts/responses to other students' posts. Points will be given for your initial post AND your responses to group members. Posts should be well reasoned, articulate, on time, and supported by examples and concepts learned each week. You can respond to your group members with ideas, questions, or your view on their posts. All students are expected to follow rules of common courtesy in email messages, discussions, chats etc.

UF Policies:

University Policy on Accommodating Students with Disabilities: Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

University Policy on Academic Misconduct: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Netiquette: Communication Courtesy: All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats. See <http://teach.ufl.edu/docs/NetiquetteGuideforOnlineCourses.pdf>

Getting Help:

For issues with technical difficulties for E-learning in Sakai, please contact the UF Help Desk at:

- Learning-support@ufl.edu
- (352) 392-HELP - select option 2
- <https://lss.at.ufl.edu/help.shtml>

** Any requests for make-ups due to technical issues MUST be accompanied by the ticket number received from LSS when the problem was reported to them. The ticket number will document the time and date of the problem. You MUST e-mail your instructor within 24 hours of the technical difficulty if you wish to request a make-up.

Other resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

Should you have any complaints with your experience in this course please visit <http://www.distance.ufl.edu/student-complaints> to submit a complaint.

Statement related to workload/ABA Standard 310:

· Students should expect to spend, on average, approximately two hours preparing for every hour of class.

Grading, Point Distribution, and Scale:

Discussion Posts	3 X 10 points = 30 points
Exams	3 X 100 points = 300 points
Final Exam	200 points
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	Total Points: 530

A	=	93-100%
A-	=	90-92.9%
B+	=	87-89.9%
B	=	83-86.9%
B-	=	80-82.9%
C+	=	77-79.9%
C	=	73-76.9%
C-	=	70-72.9%
D+	=	67-69.9%
D	=	60-66.9%
E	=	Below 60%

Reading Assignments

Below is a list of reading assignments.

Disclaimer: This syllabus represents the tentative plans and objectives for the course. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected.

IMPORTANT DEADLINES

- Week 3: Antitrust Discussion 1 Initial Discussion Board Post Due on Wednesday (1/22) by 6pm EST
 Discussion Responses Due on Sunday 1/26 by 11:59pm EST
- Week 6: Antitrust Discussion 2 Board Post Due on Wednesday 2/12 by 6pm EST
 Discussion Responses Due on Sunday 2/16 by 11:59pm EST
- Week 7: Antitrust Exam on Sunday, 2/22 by 11:59pm EST
- Week 9: IP Licensing Exam on Sunday, 3/8 by 11:59pm EST
- Week 10: Consumer Protection Initial Discussion Board Post Due on Wednesday 3/11 by 6pm EST
- Week 11: Consumer Protection and Data Privacy Exam on Sunday 3/22 by 11:59pm EST
- Week 13: Final Exam on Sunday 4/12 by 11:59pm EST

Part I: Antitrust

Week 1:

1. Introduction to Antitrust
2. What is antitrust and sports related antitrust specific exemptions (Professional Baseball Exemption, Non-statutory Labor Exemption, Sports Broadcasting Act, Amateur Sports Act)
3. Sherman Act Claims: Elements and Analytical Framework (Section 1 elements, Single Entity Doctrine)
4. Modes of Section 1 Analysis (Per se Illegality, “Quick Look” and Sports Cases, full Rule of Reason)
5. Section 2: Elements and Modes of Analysis

Week 2

6. Market Definition and Extent of Market Power
7. Geographic Market
8. Antitrust and Baseball
9. Antitrust and Football

Week 3

10. Antitrust and Collegiate Issues

Discussion 1 – What is Proper market definition?

11. Sports Leagues as “Single Entities” or Joint Ventures
12. Horizontal Mergers I
13. Horizontal Mergers II

Week 4

14. Vertical Mergers
15. Tying
16. Bundling (including loyalty and market share discounts)
17. Exclusive Dealing

Week 5

18. Price Discrimination
19. Price Restraints
20. Antitrust Pricing
21. Non Price Restraints
22. Termination of customers, Intermediaries (retailers, wholesalers, dealers, and value-added resellers, agents, and brokers) and Competitors

Week 6

- 23. Common Section 1 Sports Antitrust Challenges
- 24. Common Section 2 Sports Antitrust Challenges
- 25. Sherman Section 1: Dealing with Competitors I
- 26. Sherman Section 2: Dealing with Competitors II

Week 7

- 27. Dealing with Competitors in Europe I
- 28. Dealing with Competitors in Europe II
- 29. Dealing with Competitors in China I
- 30. Dealing with Competitors in China II

Week 8

- 31. Dealing with Competitors in Canada I
- 32. Dealing with Competitors in Canada II

Discussion 2 – Hot topics Breakdown – Advising the Business Unit

- 33. Hot Topics in Sports Antitrust I
- 34. Hot Topics in Sports Antitrust II

Week 9

- 35. Remedies I: Damages
- 36. Remedies II: Injunctive Relief
- 37. Class Actions
- 38. Antitrust Standing

Exam 1: Antitrust Exam

Part II: IP Licensing

Week 10

- 39. Introduction to Licensing
- 40. Contracting in Licensing
- 41. Trademark Licensing
- 42. Copyright Licensing

Week 11

- 43. Common Pitfalls in IP Licensing Negotiations
- 44. E-Sports
- 45. IP Licensing Strategy

Exam 2: IP Exam: Trademark case study “How Much are Adidas’ Three Stripes Worth?”

Part III: Consumer Protection

Week 12

- 46. Consumer Protection I
- 47. Consumer Protection II
- 48. Consumer Protection III
- 49. Consumer Protection IV

Discussion 3 - Consumer Protection

Part IV: Data Privacy and Data Protection

Week 13

- 50. Data Breaches – Overview of Regulatory Regime
- 51. Privacy Torts
- 52. Data Breaches Case Study (Autopsy of a Data Breach: The Target Case)

Exam 3: Consumer Protection and Data Privacy Exam

Part V: Cumulative Final Exam

Week 14

Cumulative Final Exam