

**The Shaping of the Transaction Model of Broadcasting Rights by Competition Law
and Policy in the Era of Multiple Communication Platforms - with a focus on the
Professional Sports Leagues**

Liao, Chia-Yi *

Cheng, Claire Wan-Chiung

Abstract

First of all, this research analyzes the market structure of the professional sports league broadcasting industry chain and its economic characteristics. By reviewing the leading European and American cases on broadcasting rights transactions and analyzing their competition law and policy issues, this research concludes that the factors affecting mainstream broadcasting rights transaction structures comprise collective / joint selling and exclusive licensing, including the special competitive order of professional sports leagues and the promotion of transactional and operational efficiency. Next, starting from a review of the development of the broadcasting rights transaction model of the CPBL, this research analyzes the traditionally symbiotic economy with the collaboration of leagues/teams, and the media and advertising industries with a focus on the timeliness of live broadcasting. We also analyze its transformation into fresh business models in combination with multiple communication platforms and the attention economy. The study indicates that the technology has also changed the channels for market participants and transformed the benefits of broadcasting rights. Accordingly, new transaction models are adopted to ensure flexibility in the exploitation of rights and establish brands while expanding the markets. Moreover, by reviewing related cases, this research explores the potential risks of restricting competition and limiting the rights of the consumer's substantial choice generated by strategies of integration and mergers among market participants in response to the change to new business models. Based on the perspectives

Date submitted: September 15, 2021

Date accepted: September 26, 2022

* Liao, Chia-Yi, Attorney-at-Law; Master (Institute of Technology, Innovation & Intellectual Property Management, National Chengchi University); Cheng, Claire Wan-Chiung, Assistant Professor of Law (Institute of Technology, Innovation & Intellectual Property Management, National Chengchi University).

of market drivers as well as the increased availability of rights, this research discusses the direction of supervision by pushing the sublicense mechanism or distinguishing the nature of matching systems. Overall, this research tries to serve as a reference for professional sports league broadcasts with different economic and regulatory contexts, and provides multi-perspectives when considering adopting and supervising transaction models in an era of diversified communication.

Keywords: Professional Sports League, Broadcasting Right, Transaction Model, Licensing Model, Competition Law, Competition Policy, Multiple Communicative Platforms, Digital Streaming, Attention Economy, Availability of Rights, Consumer Welfare.