



WISCONSIN INTERSCHOLASTIC ATHLETIC ASSOCIATION

5516 Vern Holmes Drive • Stevens Point, WI • 54482-8833
Phone 715-344-8580 • FAX 715-344-4241 • email info@wiaawi.org • Web site www.wiaawi.org

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GANNETT, WNA TO APPEAL LAWSUIT RULING IN FAVOR OF WIAA

STEVENS POINT, Wis. – The Wisconsin Interscholastic Athletic Association received notification that the Wisconsin Newspaper Association and Gannett filed a notice of appeal with the Seventh Circuit Court of Appeals after the federal court ruling confirmed the rights of the membership to conduct its tournaments and enforce its media policies.

On June 9, The Western District of Wisconsin ruled that the Wisconsin Interscholastic Athletic Association may enter into exclusive contracts related to live transmissions of its Tournament Series events.

The federal court granted summary judgment in the WIAA's favor and declared that the WIAA's exclusive rights agreement related to internet transmission of WIAA tournament events did not violate the First or Fourteenth Amendments to the United States Constitution and that the WIAA may charge a fee for transmissions of Tournament Series events.

The WIAA filed a 2008 lawsuit requesting the declaratory judgment, following receipt of a letter from the WNA demanding the WIAA rescind its video transmissions policies or be subject to litigation. Two Gannett newspapers refused to pay the required rights fee to transmit live action on the internet during a WIAA Tournament game.

In rejecting Gannett's arguments, the court stated that "this is a case about commerce, not the right of a free press." Refuting the notion that the WIAA's policies prohibit media companies from reporting on Tournament Series events, the court reasoned that the WIAA "does not prohibit defendants from expressing a single thought, opinion, or analysis about a game." Rather, the court agreed that the WIAA's policies are "reasonable," to raise funds "needed to help sustain the WIAA and the high school sports it supports," and permit the WIAA to "keep ticket prices more affordable, rather than require the public to pay more so that other media companies could use the tournaments to generate advertising revenue on their own website."

A rights fee to transmit live video is required by the WIAA only during its Tournament Series events. Regular season events are not affected by the policy. Live transmissions are permitted during the Tournament Series with payment of the applicable rights fee and adherence to the guidelines of the WIAA's media policies.

The WIAA is a voluntary, not-for-profit association comprised of 508 volunteer member high schools in Wisconsin. The Association receives no direct revenues from the state through taxes, and approximately 90 percent of its operational budget is generated through gate receipts of Tournament Series events and its proprietary agreements.

WIAA

DAVE ANDERSON
EXECUTIVE DIRECTOR
danderson@wiaawi.org

WADE LABECKI
DEPUTY DIRECTOR
wlabecki@wiaawi.org

DEBRA HAUSER
ASSOCIATE DIRECTOR
dhauser@wiaawi.org

TOM SHAFRANSKI
ASSISTANT DIRECTOR
tshafranski@wiaawi.org

MARCY THURWACHTER
ASSISTANT DIRECTOR
mthurwachter@wiaawi.org

TODD CLARK
COMMUNICATIONS DIRECTOR
tclark@wiaawi.org