

LAWS70437 Sports and Competition Law

Credit Points:	12.50
Level:	7 (Graduate/Postgraduate)
Dates & Locations:	2013, Parkville This subject commences in the following study period/s: July, Parkville - Taught on campus.
Time Commitment:	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: Not available
Prerequisites:	None
Corequisites:	None
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
Non Allowed Subjects:	None
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: www.services.unimelb.edu.au/disability/
Contact:	For more information, contact the Melbourne Law Masters office. Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au) Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<p>Commercialised sports in the developed world constitute a multi-billiondollar industry raising unique issues under competition law. Courts around the world have recognised that clubs that are commercial rivals necessarily need to collaborate in some ways for their sporting competitions to serve the public. Outside of North America, commercialised sports competitions form part of an integrated system of sports, typically under the supervision of a single national governing board; this too raises important questions of the use or abuse of a commercially dominant position.</p> <p>The overall structure of sporting competitions is thus potentially subject to judicial challenge under competition law statutes around the world. Specific agreements that can be attributed to multiple parties, or to a single entity with a dominant position, are also subject to competition law challenges by governments, affected stakeholders or consumers.</p> <p>The lecturer is an international leader in the field of the application of competition law to sports and has authored works dealing with this issue as it applies to developed economies, including Australia and New Zealand.</p> <p>This subject will consider the basic principles of the competition law statutes applicable in North America, Europe and Australia/New Zealand, as well as relevant principles of the common law</p>

	<p>of restraint of trade. It will then apply these principles in exploring a number of cutting-edge issues with regard to the sports industry, including:</p> <ul style="list-style-type: none"> # The formation and structure of sports leagues # Restrictive labour market practices (salary caps, drafts, limits on free mobility) # Collective agreements regarding broadcasting, internet commerce, sponsorship, merchandise, intellectual property licensing etc. # Competitive effects of league or federation rules regarding finances and ownership # Permissible and impermissible responses to creation of rival competitions. <p>Application of competition law precedents will also cover several recurring questions, including the availability of private remedies, market definition and the relevance of non-commercial purposes in justifying conduct that might be clearly unlawful in non-sports industries.</p> <p>Although the course will assume no prior knowledge of competition law, other than a review of foundational principles underlying various competition statutes, it will offer students with competition law background an opportunity to apply their knowledge to a unique and intellectually challenging setting.</p>
Objectives:	<p>A student who has successfully completed this subject should:</p> <ul style="list-style-type: none"> # Understand the basic organization and structure of professional sports competitions around the world (focusing primarily on North America, Europe, Australia, and on professional cricket in South Asia and elsewhere) # Understand the general principles of competition law reflected in the Australian Trade Practices Act, the Canadian Competition Act, the European Treaty, the American Sherman Act, as well as the common law of restraint of trade # Be able to apply these general principles to the unique aspects of professional sports competitions # Be aware of and be able to distinguish sports practices that serve to promote competition and consumer welfare, that harm consumer welfare at the expense of monopoly profits, and that harm consumer welfare but further non-economic purposes and goals # Appreciate differences in institutions, economies, or cultural values that explain differences in competition law approaches under different legal regimes # Be able to advise stakeholders adversely affected by the status quo or innovations on the extent to which competition law restrains leagues, clubs, or sports governing boards # Be able to consider the strategic use of competition law to advance stakeholder interests.
Assessment:	10,000 word research paper (100%) (2 October) on a topic approved by the subject coordinator
Prescribed Texts:	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Visit the Melbourne Law Masters website for more information about this subject.
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Links to further information:	http://www.law.unimelb.edu.au/subject/LAWS70437/2013