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Subject: More IP Nonsense

Posted by [Manualblock](#) on Wed, 22 Mar 2006 13:07:06 GMT

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Major League Baseball has instituted a lawsuit claiming that all statistics regarding baseball constitutes intellectual property covered under the federal IP statutes. Thats right; Babe Ruths uniform number; better pay royalties if you use it. You can extropolate the rest of the silliness. My son belongs to several major league fantasy leagues where you make up historical teams of players and compete against other teams of players with other kids. MLB wants that IP terrorism stopped; unless the kids are willing to pay higher fees to them of course. The MLB lawyers are sueing these fantasy leagues that charge a small fee for administrative costs so the kids can do this. The lawyers say it is similar to an earlier property rights case in 1996 where the prestigious law firm of: Duncan; Weinberg; Genser and Pembroke, the most prestigious IP legal firm in the US sued on behalf of The American Society Of Composers and Publishers to demand that BOy Scout Camps and others of that nefarious ilk pay royalties whenever they sang the songs, "Row, Row, row." and "Happy Birthday" around the campfire. Funny because in another lawsuit the Major Leagues backed the opposing view when players sued to demand that they get royalties whenever the teams issued scorecards at the games with the players names on them. MLB won that one but now; they seem to have discovered that should only apply to the players; the leagues should get paid when the players names are mentioned in newspaper articles or sports magazines.

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Subject: Re: More IP Nonsense

Posted by [Wayne Parham](#) on Wed, 22 Mar 2006 18:50:52 GMT

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Holy smoke, that's weird. I would expect fair use to come into play. Even at that, it seems odd to claim IP of stats. It's like copyrighting the ticker tape on Wall Street or something.

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Subject: Re: More IP Nonsense

Posted by [Manualblock](#) on Wed, 22 Mar 2006 21:05:45 GMT

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It was in this mornings paper. Evidently MLB bought the rights to the players stats for 50 million from I don't know who. I believe from the pLayers Association. MLB in their lawsuit takes the position that players stats are intellectual property and can't be used for commercial purposes without paying a fee. The legal brief for the Fantasy leagues state as their position this: " These are statistics defined by the game; they are not intellectual property. If hitter hits into a groundout, it's a ground out. It's not intellectual, it's a fact." They claim the stats are historical facts in the public domain. Now to me that would seem self-evident; but to the MLB they are willing to instigate

huge legal fees;( to be added on to ticket prices for the fans of course.) to try and prove otherwise.Yet they; in the past took the complete opposite position in their suit against the players contention of IP in using their names on score-cards.So where's the logic?

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Subject: Re: More IP Nonsense

Posted by [Wayne Parham](#) on Wed, 22 Mar 2006 21:29:04 GMT

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I tend to agree with the position of the fantasy leagues in this case. I would think that since there is no author of a statistic, it is a mere measurement, a figure, that it could not be protected. It's like trying to protect the number 7 or something like that. I guess the MLB might take the position that it is a collection of figures they are trying to protect, the compilation of data. But even that seems to me to be pretty thin. It's not like it's an original work or anything, just a collection of numbers.

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Subject: Re: More IP Nonsense

Posted by [Manualblock](#) on Wed, 22 Mar 2006 22:48:15 GMT

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They claim that they own the game; that the game is an entertainment entity and the stats are an integral part of the game of Major League Baseball as defined in their corporate charter. There-for all events that generate stats also have an existence within the past present and future composition of the game. Because the stats are a tradeable commodity with value they treat it as say a book wherein the writings are an integral part of the book. This is the sort of twisted logic you get when you try to circumvent justifiable belief. If I believe that the stats have value then that value attaches to whatever entity I decide to form to utilise that value. The way I see it; the stats only have value when I prevent someone else from using them. They have no value unto themselves. That's the Fatal Flaw in much of the IP reasoning. That's why I believe that within the next ten years the courts will decidedly narrow the definition of IP; there is no other fair way to treat it. Otherwise you get nothing but situations like the MLB debacle. Or the Apple itunes mess where you actually purchase a song but can only play it on an apple unit. I don't think anyone can make a case for that sort of abuse.

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Subject: Re: Addenda

Posted by [Manualblock](#) on Wed, 22 Mar 2006 23:20:22 GMT

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Sorry to post twice but I wanted to clear something up about my personal agenda here. You know

every month my kid comes and asks me for 9\$ off my credit card to do whats called form a team. He plugs in the card then he gets to build a team and then manage the team through a phanthom season. It's harmless and really costs nothing for the promoters of the game to do and they make a profit for administering the whole thing as I am sure you know. My point is the 9\$ is manageable and fair. What the MLB corp. wants is to raise the rates and grab as much profit from the boys as they can. To me it just seems greedy; smarmy and typical of how these things seem to work. And the legitimate guy whose ideas have value and deserve protection; his case is watered down by the ones who abuse those rights.

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Subject: Re: Addenda  
Posted by [Bill Martinelli](#) on Thu, 23 Mar 2006 02:05:11 GMT  
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so they need a piece of more action so they can afford the steroids? Cant they just get prescription rider for the shit through the union?

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Subject: Re: Addenda  
Posted by [Manualblock](#) on Thu, 23 Mar 2006 12:25:50 GMT  
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Those new class a steriods; the ones that beat the test, they are really expensive. I heard they have to go to the old communist block countries to buy that stuff. Then of course you need a masking agent and it has to be timed just right;; man it's hard being a sports figure nowadays. The issue of IP though is really MLB owners, it's not the players this time; although I am sure they will get something for themselves off this IP scam thing.

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