Legal Negotiations

Fall 2023

Final Scored Negotiation

General Information

 The commencement of a fresh National Basketball Association (“NBA”) season brings renewed optimism and hope among fans and introduces new storylines for American sports enthusiasts to sink their teeth into. But the attention of the sports broadcasting world isn’t on the action on the court – it’s on the sale of the league’s domestic media rights next year.

 The NBA, North America’s leading basketball competition, currently holds lucrative agreements worth US $24 billion deals with ESPN and Warner Bros Discovery (“WBD”), both of which were inked in 2014. These existing contracts are set to expire at the end of the 2024/25 season and the league is hopeful to trebling its revenues to US $75 billion with its new deals.

 Several factors contribute to this optimistic outlook. The league’s profile has unquestionably been elevated significantly since signing its last deals, while the US media landscape has undergone substantial transformations. The emergency of new streaming services, like Netflix, Hulu, Peacock, and Amazon, presents a multitude of fresh opportunities and creative avenues for the league.

 More than 113 million households (87%) have access to at least one streaming service, while streaming accounts for 1/3 of all television viewing.

 Live sports continue to stand as one of the few reliable methods for traditional broadcasters to draw substantial viewership, whereas streaming services leverage sports as a means to acquire and retain customers. This dynamic is escalating the competition and increasing the worth of media agreements.

The NBA is the second most influential media property in the U.S., has a digital-savvy, youthful audience that appeals to streamers and advertisers, and is the last significant opportunity for any broadcaster or streamer to acquire rights that will truly move the needle for several years. You can refer to the MLB, NHL, and NFJ and the major college football conferences that have all secured long-term deals for more related information.

 The league and Amazon are engaging in discussions to negotiate a tentative deal between the league and Amazon for 2025 and beyond.

 Terms that the Parties will need to discuss include the bid amount, length of contract, marketing efforts, NBA.com or NBA app, exclusivity (or lack thereof), and anything else that the Parties believe is pertinent to reaching a deal.

You are permitted to conduct research and incorporate any relevant and pertinent information that you believe would be helpful in increasing value for both sides. That being said, you are not permitted to invent facts to the detriment to the other side (and for your benefit). You should be prepared to provide your sources for your information and statistics.