[NL] Football Clubs Rightful Owners of Broadcasting Rights to Home Matches

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The Dutch first league football clubs are and remain the sole owners of the broadcasting rights to their home matches. The Dutch Supreme Court decided this in a judgment of 23 May 2003. The Dutch national football organization KNVB brought the matter in question before the Supreme Court claiming the existence of a joint ownership (for itself and the individual clubs) of the broadcasting rights to first league matches. KNVB argued that its organization of the league and the playing of matches in the league by the clubs justified the granting to itself and to the clubs of a right of intellectual property. In a previous case in 1987, the Supreme Court had ruled that the individual clubs could ask for remuneration for their approval of the broadcasting of football matches on the basis of their ownership rights to the stadiums, the so-called "home-rights". However, in that earlier case no intellectual property right was granted. In this recent case, the Supreme Court decided that no reason had been given to change the former judgment; no intellectual property right could be found. Although KNVB represents the clubs, this does not mean that KNVB can claim joint ownership of the broadcasting rights. Only the clubs can set out limitations on access to the stadiums invoking their "home-rights". The fact that KNVB organizes the league and provides the referees does not change this.

Dutch Supreme Court, Judgment of 23 May 2003, Koninklijke Nederlandse Voetbalbond (KNVB) v. Stichting Feyenoord , LJN No: AF4607

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