[IT] Investigations into Sports Rights and Abuse of Dominant Position by Mediaset

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On 22 March 2005 the Autorità garante della concorrenza e del mercato (Italian Competition Authority - AGCM) opened an investigation in order to ascertain whether Mediaset abuses its dominant position in the broadcasting market with regard to the negotiation of sports rights.

In the summer of 2004, Mediaset bought the exclusive rights to broadcast the home football matches of the following teams of the Italian Serie A and Serie B tournaments: Milan, Inter, Sampdoria, Livorno, Messina, Roma, Atalanta, Juventus from July 2004 to June 2007. In addition to the sports rights, Mediaset also bought connected rights, such as advertising (billboards, spots and mini spots) to be broadcast together with the matches, the promotional and sponsoring activities, the interactive services, the t-commerce/games and the televoting. From January 2005, the matches have been broadcast in pay-per-view on digital terrestrial channels carried by the Multiplex of Mediaset.

Closing contracts with exclusive rights on behalf of a company having a dominant position on a certain market can lead to an abuse of a dominant position due to the risk of restricting competition: the AGCM considered that the Italian broadcasting market is already highly concentrated, both on FTA analogue terrestrial (the duo RAI-Mediaset, with Mediaset, made up of RTI and its advertising agency Publitalia, holding 64.7% of the market) and on satellite Pay-TV (monopoly of Sky Italia). The AGCM also considered that the purchase of exclusive rights to premium events with very high audience figures (such as football matches of the Italian Championship) is a strong source of advertising revenues both for FTA and Pay-TV broadcasters and is also particularly attractive for advertising agencies.

The purpose of the investigation is to establish whether or not Mediaset has abused its dominant position in purchasing the above-mentioned exclusive rights for a period spanning three seasons.

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http://www.agcm.it/agcm_ita/DSAP/DSAP_287.NSF/218c8abc30b4e077c1256a470060e61b/b64a8f4bbf6fb16bc1256fe1003b3dbf?OpenDocument

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