



Mr. Mike Slive
Commissioner
Southeastern Conference
2201 Richard Arrington Blvd. North
Birmingham, AL 35203

Dear Mr. Slive,

We write on behalf of three national media organizations whose members include the top news executives and sports editors of news organizations across the country, including several that regularly cover Southeastern Conference ("SEC") sporting events. This letter concerns the 2009 "Southeastern Conference Media Credentials Terms and Conditions for Use" (the "credentials"), released last Friday, August 14 in preparation for the upcoming college football season.

While we appreciate that your organization made modifications addressing concerns raised by members of our associations, we believe that many major issues were left unaddressed. We strongly urge further review, as many of the revised provisions will still inhibit coverage of SEC events to the detriment of both the news media and the SEC and its members.

We understand that media coverage of sports is changing. New media and channels for disseminating information, including ownership of distribution channels by leagues or teams themselves, require adjustments to the league/team/media partnerships that have existed for years. But the new credentials go beyond "adjustments"; they are wholesale changes that restrain our members from covering your teams in ways that serve fans without harming league interests.

Many of these changes may also violate existing law, which, in most instances, has not changed despite the advent of new media. We further believe that the real loser in this fight will be the fans, who have every reason to be wary of the SEC's actions in consolidating what can only be described as a "stranglehold" over the release of information about teams, players and games.

Though many provisions are disturbing, we specifically want to highlight these as a means of starting what we hope will be a discussion that culminates in a mutually agreeable set of further revisions prior to the first kickoff on September 5:

- Our members, as editors of newspapers or online publications, appear to be prohibited from using any video or audio highlights from SEC games on their Web sites while television stations -- with certain limitations -- can do so. They are also time-limited on their use of pre and post-game audio and video on their websites. This is a major restriction that only serves to limit the fans' access to all viewpoints and information

about the games and their favorite teams and players.

- The section entitled "Internet Use-Photographs" reads "Still photographs of the Event (including Bearer Generated Photographs) may be posted on the internet only in connection with and as part of regular print news coverage, including internet print news coverage. Still photographs of the Event shall not otherwise be posted, placed, or distributed on the Internet." This is not only an unreasonable -- and possibly illegal -- infringement on our members' copyrighted materials, it deprives the fans of the ability to revisit key moments of the day, week, or season by ostensibly preventing SEC coverage through presentation of online photo galleries or the archiving of photographs.
- The requirement that "Bearer hereby grants the SEC and its member institutions a license at no additional charge to use the photographs for news coverage purposes and for display on their official Web sites and in their official publications. There is no reason that our members should be restricted in this way, but be forced to allow the SEC and its members to "free ride" off our work. If the SEC is intent on engaging in content delivery, it should develop its own content or negotiate on fair and equitable terms.
- Finally, the "Blogging" section provides no guidance whatsoever, leaving the definition of unacceptable "real-time description" up to the SEC. The only way a publication can be certain it will avoid punishment under this section is to refrain from any in-game online activity at all. This is untenable, unworkable and impractical (we suggest that real-time coverage should not be viewed as a danger to, but rather an enhancement of, the original coverage). We also view this as an illegal prior restraint of speech.

Other provisions, such as those which create a "limited, non-exclusive and non-transferable" license to take and use photos in news coverage and attempt to restrict the reuse of photos or videos created by our members to news coverage, magazine stories and "First Amendment protected speech", are blatant attempts to rewrite existing law which vests copyright in the party that fixes the image or video. While unfortunately not unique, this also merits discussion. We are especially concerned that the language indicates that the SEC feels the need to "grant" a license to our photographers to even take pictures, as that could be further construed as a license to even cover the event. Our members have a right to cover these events, nothing less.

Our goal in this letter is to restore the balance that has worked so well for so many years. We hope that, at the very least, representatives of both organizations can meet to discuss the common ground that we know exists and which will ensure quality coverage that, ultimately, strengthens the already stalwart product that exists in the SEC's athletic programs.

Sincerely,

Marty Kaiser
President
American Society of News Editors

David Bailey
First Amendment Committee
AP Managing Editors

Garry D. Howard
President
AP Sports Editors

cc: Mark Womack, Executive Associate Commissioner
Charles Bloom, Associate Commissioner, media relations
Craig Pinkerton, Director of Media Relations