

CAN PEER-TO-PEER INTERNET BROADCAST TECHNOLOGY GIVE FANS ANOTHER CHANCE? PEER-TO-PEER STREAMING TECHNOLOGY AND ITS IMPACT

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I. INTRODUCTION

Overseas fans of the National Basketball Association (“NBA”) find themselves in a difficult predicament. Consider, for example, a die hard Memphis Grizzlies fan, born and raised in Memphis, but currently living in Taiwan. The local broadcast television and cable stations in Taiwan only broadcast NBA games pursuant to licenses from NBA Entertainment, Inc. or from local United States sports channels like Fox Sports Net. As a result, excluding playoff games, a total of one Grizzlies’ game is shown on local television every season. Satellite television services like Dish Network and DirecTV have not been established in Taiwan, and the NBA does not provide online video broadcasts of games like those provided by Major League Baseball on MLB.TV.¹ Before the advent of the Internet, the average NBA fan living outside the United States had few means to follow his favorite teams. Now, thanks to a new genre of technology, commonly referred to as peer-to-peer Internet television (“P2PTV”),² fans abroad have access to more live video broadcasts of American sports games and can potentially even record the games they like on their personal computer.

Most P2PTV technology is used to redistribute television channels on the

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1. Ryan Naraine, *MLB.TV Puts Live Games Online*, INTERNETNEWS.COM, Mar. 11, 2003, <http://www.internetnews.com/ec-news/article.php/2107831> (indicating that Major League Baseball began to launch its own on-demand and live access to pay-per-view video feeds in early 2001).

2. Some sources call this new technology “peer-to-peer streaming TV” or “p2p streaming TV.” Geoffrey A. Fowler & Sarah McBride, *Newest Export From China: Pirated Pay TV*, WALL ST. J., Sep. 9, 2005, at B1. Others call it P2PTV. E.g., *P2PTV*, WIKIPEDIA: THE FREE ENCYCLOPEDIA (Oct. 3, 2007), <http://en.wikipedia.org/wiki/P2PTV> [hereinafter *P2PTV*]; *PPstream—P2P TV Streaming that Rocks!*, <http://www.liquidx.net/blog/2005/09/28/> (Sept. 28, 2005). Throughout this Note, this genre of technology will be referred to as “P2PTV”.