TUESDAY, APRIL 26, 2022 | SERVING CHICAGO'S LEGAL COMMUNITY FOR 164 YEARS | CHICAGOLAWBULLETIN.COM Chicago Daily Law Bulletin.com VOLUME 168, NO. 49

College basketball, women's soccer seek to level playing field for female athletes

Significant recent developments across women's sports signal that female athletes may finally be starting to get their due.

The disparity in the treatment of male and female athletes and their competitions is a deeply rooted issue in the sports world. But increased visibility for women's college basketball, new advertising, broadcast pushes and a groundbreaking settlement for women's professional soccer, all indicate that the need for change is being taken seriously.

New efforts to address gender disparities in amateur and professional sports come at a particularly noteworthy time. June marks the 50th anniversary of Title IX, the federal civil rights law barring sex-based discrimination in schools and educational programs funded by the federal government.

The anniversary presents an opportunity to look at what female athletes have achieved — and how much still needs to be done to level the playing field.

In 2021, the National Collegiate Athletic Association commissioned a sweeping report called the "NCAA External Gender Equity Review" to identify gender disparities and recommend specific measures.

The report focused, for the most part, on the disparities between the 2021 Division I Men's and Women's Basketball Championships. The biggest public-facing recommendation to be implemented was branding the women's D1 championship tournament as "March Madness" for the first time this year.

The trademarked logos and language, previously reserved for the men's tournament, appeared at the women's tournament sites, on merchandise, and in television broadcasts. The report also made other marketing-related recommendations, including treating the



SPORTS MARKETING PLAYBOOK **DOUGLAS N. MASTERS and SETH A. ROSE**

DOUGLAS N. MASTERS is a partner at Loeb & Loeb ILP, where be litigates and counsels clients primarily in intellectual property, advertising and unfair competition. He is co-chair of the firm's intellectual property protection group. Amasters@loeb.com SETH A. ROSE is a partner at the firm, where he counsels clients on programs and initiatives in advertising, marketing, promotions, media, sponsorships, entertainment, branded and integrated marketing, and social media. srose@loeb.com

women's championship as a stand-alone property; negotiating a new tier of corporate sponsors; and increasing crosspromotion of the two tournaments.

The women's March Madness viewership also received a boost in 2021 when cable sports channel ESPN began airing all 63 games nationally for the first time, which has helped spur the growing interest in women's college basketball. ESPN, the home of the women's tournament since 1996, also broadcast selected games on ABC for the first time.

Women's college basketball is also gaining traction on the advertising front, with big brands pouring advertising dollars into women's March Madness.

Ad inventory for the women's NCAA D1 championship sold out this year, announced ESPN, which is owned in part by The Walt Disney Co., and included 14 sponsors, led by Capital One as the presenting sponsor, and 22 advertisers across a variety of categories,

many household names like Adidas, Apple, Taco Bell, Target and T-Mobile.

Another high-profile victory for women's sports was the \$24 million settlement between the U.S. Women's National Soccer Team and the U.S. Soccer Federation, resolving their dispute over pay equity.

The USWNT filed a class action against U.S. Soccer in 2019 alleging gender discrimination due to compensation and working conditions that fell far short of what the men's team received.

Of the \$24 million settlement, \$22 million will go to the players who were part of the lawsuit. Another \$2 million will go toward charity and "post-career goals," ESPN reported.

Most importantly, the settlement includes a commitment from the federation to pay the men's and women's teams equally in all "friendlies" and tournaments, including the World Cup.

The equalized compensation for female players also applies to bonuses, said ESPN. In the last World Cup cycle, U.S. Soccer allocated up to \$36 million in bonuses to the men's team for winning and only \$5 million in bonuses to the women's team, according to ESPN.

Why has equity between men and women's sports been so difficult to achieve? Probably the biggest reason is that men's sports have, in the past, been viewed as bringing in more money overall than women's sports.

The Men's D1 Basketball Championship, for example, is the primary source of funding for the organization and its members. As the report points out, the NCAA's broadcast agreements, sponsorship contracts, revenue distribution all prioritize D1 men's basketball.

The report also notes the "mistaken narrative that women's basketball is destined to be a money loser year after year," which couldn't be further from the truth. "The future for women's sports in general, and women's basketball in particular, is bright."

Priorities are slowly shifting toward more equal investment in women's sports, but one crucial component media coverage of women's sports — does continue to lag far behind men's sports.

In 2019, 95% of sports coverage focused on men's sports, according to a study by the University of Southern California and Purdue University. Certainly. ESPN's commitment to broadcast the women's March Madness tournament this year is a step in the right direction, although more is needed.

At least one initiative is on the way. In February, Fast Studios announced the launch of the first 24-hour streaming service for women's sports. The Women's Sports Network will be a free, ad-supported streaming platform, initially featuring programming from the Ladies Professional Golf Association, U.S. Ski & Snowboard, and the World Surf League, as well as sports news and other women-focused content.

A new network devoted to women's sports will likely spur competition among broadcasters and a demand for content.

In the end, talented female athletes and their compelling stories are what will drive their sports forward. But women's sports still have a long way to go to achieve parity with men's sports. This year's two landmark developments the NCAA report's recommendations and the example set by the U.S. women's soccer team's pay equity settlement — will help lead the way.