

CLIENT SUCCESS

A close-up photograph of a black and white soccer ball resting on a green grass field. The ball is in the foreground, slightly out of focus, with its hexagonal panels clearly visible. The background shows a blurred green field and a white line, suggesting a soccer pitch.

Winston Scores Precedent-Setting Second Circuit Win for Relevent Sports, Reviving its Antitrust Challenge Against FIFA and U.S. Soccer Federation

MARCH 7, 2023

On behalf of **Relevent Sports**, we are prosecuting an antitrust action alleging that soccer's global governing body, FIFA, and its member U.S. Soccer Federation (U.S. Soccer), which is FIFA's U.S. national federation, have violated Section 1 of the Sherman Act by enacting and enforcing a market-allocation agreement that prohibits official season soccer games from being played outside the competing teams' home country.

To bring official season games to the United States from some of the top professional soccer leagues in the world, Relevent requested a FIFA sanction from US Soccer, in response to which US Soccer and FIFA organized a horizontal market-division agreement among FIFA soccer leagues and teams to preclude official season games between foreign professional soccer teams from being played in the United States. As a condition of their FIFA affiliation, FIFA members and their affiliated leagues and teams have been required to agree to adhere to the FIFA market-division policy or face severe penalties.

Six months after Relevent filed its lawsuit, the DOJ's Antitrust Division informed U.S. Soccer and FIFA, in writing, that their implementation of this market-division agreement could violate Section 1 of the Sherman Act.

After the Southern District of New York dismissed Relevent's Amended Complaint, we appealed to the Second Circuit, receiving amicus support from the DOJ's Antitrust Division, among other groups. On March 7, 2023, in a precedent-setting opinion, the Second Circuit reversed in Relevent's favor, and Am Law recognized the win with a Litigator of the Week Runner-Up nod. Defendants' efforts to petition for a rehearing were rejected by the Second Circuit and the case has been remanded to the district court to move forward.

IMPACT

This case is very significant to Relevent Sports because the challenged FIFA Policy is blocking Relevent from pursuing its business of promoting foreign-league officials season games in the United States. Soccer fans in the United States also benefitted from the decision as they deserve the choice to attend official season games featuring some of the best soccer teams in the world. The Second Circuit's decision was legally impactful because it reaffirms the principles that the rules of an industry association, including a sports association, which restrict the competitive behavior of its members are subject to review under Section 1 of the Sherman Act. Moreover, the decision was precedential to the extent that, for the first time, it established that FIFA is subject to the jurisdiction of the U.S. courts.

(*Relevant Sports Group v. U.S. Soccer Federation, et al.* (Case No. 21-2088, U.S. Court of Appeals for the Second Circuit (2d. Cir 2023))

2 Min Read

Related Capabilities

Antitrust/Competition

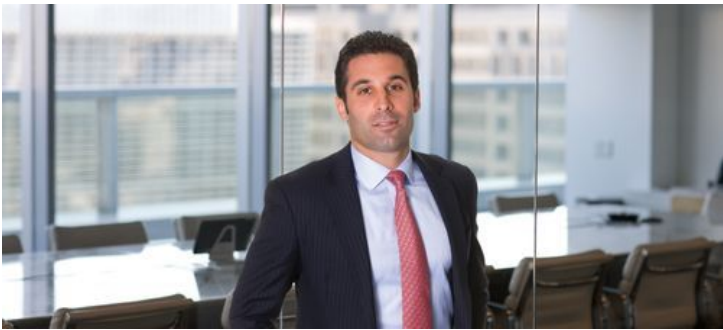
Appellate & Critical Motions

Sports

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