

Copyright Hoopla

By Reg P. Wydeven
March 20, 2013

Each year, I can't wait for March to come so I can be totally submersed in basketball. Any given night I can watch the WIAA high school tournaments, the Big 10 and then NCAA tournament, and the regular season final stretch leading up to the NBA playoffs.

In my office, I have a 13-inch JVC television set from 1984. It's so old that it's not even cable-ready; I have to hook it up to a cable box just to watch it. I only turn it on during March, so I can soak up some serious hoops. While it was challenging to make out the teams, I was able to watch the Badgers beat Michigan in the quarter-final round of the Big 10 tournament this year.

During a tense commercial break, an ad came on promoting a sale on flat screen TVs. Perhaps it was time to upgrade my faithful, old JVC. The ad indicated that for a huge bargain, I could watch all the "March mayhem games" I wanted in sharp, high definition.

I remember seeing a similar commercial about two months ago suggesting I buy a flat screen to watch "the big game," or the culmination of the NFL season. The electronics retailer couldn't use the term "Super Bowl," as it is trademarked by the NFL. Similarly, advertisers can't coax me into buying a new TV to catch "March Madness," as that term is copyrighted by the NCAA.

"March Madness," however, actually has an interesting legal history. The moniker was first used in 1939 by Henry V. Porter, an official with the Illinois High School Association, to describe the state's basketball tournament. In his coverage of the 1982 NCAA men's basketball tournament, CBS broadcaster Brent Musburger used the term to describe the college tourney. Curiously, Musburger went to journalism school in Chicago, then worked for both a Chicago newspaper and television station, so he undoubtedly borrowed it from the IHSA.

In the early 1990s, a legal battle between the IHSA and the NCAA ensued over the rights to the term "March Madness." In an incredibly rare and collaborative move, the two organizations created a joint venture called the March Madness Athletic Association, LLC, which now holds all trademark rights to the term "March Madness." The MMAA allows both groups to use the term and to sell licenses for commercial uses of "March Madness."

The NCAA became involved in a similar legal battle later in the decade with the Kentucky High School Athletic Association over usage of the term "Sweet Sixteen," which describes the teams making it to the third round of the NCAA tournament. Like with the IHSA, the NCAA struck a deal with the KHSAA for joint use of the term.

The NCAA also trademarked the term "Elite Eight," describing the teams advancing to the fourth round, and also "The Final Four" (not to be confused with the NCAA's trademark for the finalists of its hockey tourney, "The Frozen Four"). In 2000, the NCAA trademarked the "Big Dance," another name for the entire tourney.

I should probably get a new TV before it's too late. If my JVC dies during a Badger game, some real "March Madness" will follow.