

HIGHLIGHTS

2026 Cumulative Supplement

The National Collegiate Athletic Association (NCAA) rule restricting athletes who attended a junior college to maximum of two or three seasons of competition in NCAA Division I athletics was “commercial,” and thus the rule fell under the purview of the Sherman Act, in a college athlete’s action against the NCAA, asserting claims including a violation of the Act, despite the NCAA’s argument that there should be antitrust exemption to its eligibility rules as preserving the unique nature of collegiate sports.. The NCAA’s argument echoed an already-rejected claim that special characteristics of its particular industry warranted exemption from the usual operation of antitrust laws, which was a contention properly addressed to Congress, and restrictions on eligibility directly determined the ability of Division I athletes to participate in the labor market for college athletic services by limiting the number of years junior college players could compete and earn direct compensation or name-image-and-likeness compensation. See § 37A

To establish the existence of a legally cognizable submarket, for purposes of a Sherman Act claim, an antitrust plaintiff must be able to show, but need not necessarily establish in the complaint, that the alleged submarket is economically distinct from the general product market. Several practical indicia of an economically distinct submarket include: industry or public recognition of the submarket as a separate economic entity, the product’s peculiar characteristics and uses, unique production facilities, distinct customers, distinct prices, sensitivity to price changes, and specialized vendors. See § 54A