



Indians fans are well aware of the greatness of a Tom Hamilton home run call. There's nothing quite like Hammy's dulcet tones when Mark Reynolds or Carlos Santana get all of a baseball and send it flying deep into the seats. It's not just the home run calls that make Hamilton special. It's any walk-off call. Any diatribe about incompetent umpires. Any backhanded compliment about an opposing player. Countless times we've laughed, cried, and celebrated with the voice of the Indians. And countless times we've wished we were at the corner of Carnegie and Ontario when the man behind the microphone exploded with emotion.

One of Hamilton's many gifts is to paint a perfect picture of what we cannot see. From his descriptions of both teams' uniforms and the ballpark dimensions to his actual play-by-play, we can visualize the field. We can feel the sun beaming down during a day game or the cool evening breeze. We can picture ourselves yelling at the umpire for the blown call that Hamilton just described.

Tom Hamilton is a gift that Indians fans want to share with the rest of the world or simply a gift that we want to open over and over again. If something big happens during a game that I'm at, I rush to the car to hear the postgame highlights just to hear how Hamilton called it. I know I'm not alone.

In fact, 12,573 people and counting feel the same way I do about Tom Hamilton. The Facebook fan page "Tom Hamilton has the Best Home Run call in all of Baseball" was a haven for those looking to relive great Indians moments over the last few seasons through the sultry sounds of Hamilton. As page creator Ben told me, he "saw a void that Major League Baseball wasn't filling".

Major League Baseball has held its entire media collection as close to the vest as it possibly can for a long time. It wasn't until this season that MLB started posting videos on Youtube. It took them until March to start releasing clips on their own website of highlights from past walk-offs, playoff moments, no hitters, and other accomplishments. They made it a personal crusade to get any Youtube video using copyrighted material removed as quickly as possible.

The league's television deal with Fox includes exclusivity rights, during which teams cannot have their games broadcasted on local or regional cable channels. That dictates every team's schedule for Saturday games so they don't conflict with the nationally-televised games.

Local/regional networks have an impossible time trying to acquire broadcast rights to show historical games because of Major League Baseball's deathgrip on anything that fans might be interested in.

The void that Ben was filling has been reopened. This past week, Ben received over 60 emails from Facebook that the content on his page was violating a third-party's copyrights. Instead of simply posting links to Hamilton's calls, Ben was synching the video highlight to the audio of Hamilton's call and posting the video on his page. Not only was it a completely harmless and victimless hobby, it was great publicity for the Indians and the Indians Radio Network. But, it was also copyright infringement, because MLB Advanced Media, L.P. is the controlling party for all of MLB's internet content and Ben had not obtained the proper license necessary to share the licensed media.

According to Ben, the page had been running for nearly four years before receiving the notices. I asked him if he knew what he was doing was illegal. He replied, "Personally I don't feel like what I was doing was illegal. I feel that if a company puts something out there on the internet it should be available for everyone to do what they please. I do understand why MLB wants total control over their media but I think it is hurting their product."

Just to put this into perspective, Robert Bowman, the President and CEO of MLBAM, reported last May that MLBAM generates around \$620M in revenue annually. Their umbrella also includes things like MLB.tv and the MLB At Bat App for mobile devices. Somehow, in a multibillion dollar industry, a Facebook fan page like Ben's was a problem.

Like Ben, I understand MLB's desire to control how their media is used. It's certainly their right and has been a practice with all sorts of entities forever. It just seems petty. In fact, Ben summed it up pretty nicely.

"I feel that in this world of technology and social media that we live in today companies should be thrilled when people share their content. I think that MLB has some very archaic views of how videos are shared these days. If you look at other sports like the NFL or NBA there are tons and tons of highlight videos for different players. Part of the reason I got interested in doing highlight videos was watching some of the great UFC highlight videos, guys like LayzieTheSavage and NickTheFace really inspire me with the way they put together videos and I was hoping to do something similar with Indians highlights this year. I think fan videos really help attract more people to the sport which may be why the UFC is one of the fastest growing sports, or the NFL is the most popular sport here in America. I wasn't making any money off the videos I was putting up. If MLB wants to throw ads up and take all the revenue from the page, I am perfectly fine with that. I never set out to make any money from the page, I just wanted to share my love for the Tribe and their great radio announcer with more people and Facebook was a great way to do that."

That's why I take issue with what Major League Baseball did. Legalities and copyrights aside, this is a very small corner of the internet world. There is no malicious intent whatsoever and Ben is not profiting at all off of his use of MLB's copyrighted media.

Furthermore, let's talk about what Major League Baseball SHOULD be focusing on. Have you watched the umpiring around the league this season? This play from this past week's Mariners/Rangers game was ruled a double play.



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