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More than Just a Game: When European Football Looks to the North American Franchising Model

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Abstract

Professional sport, as an entertainment industry, has developed according to two different models on both sides of the Atlantic. Whereas in Europe, sporting merit is at the heart of governance based on results achieved on the field, in North America, the dominant model is that of franchise systems called "leagues," in which teams are granted participation by a commissioner (a sort of franchisor). Whatever their sporting performance, however mediocre, franchised teams are kept in the league season after season. This model greatly reduces uncertainty, and consequently attracts many investors. This is why the owners of powerful football teams in Europe have been tempted for years to implement a franchising model comparable to that of North American leagues. This article addresses this issue, pointing out the obstacles to implementing this model in Europe, notably for cultural reasons, even though a quasi-league already exists in the UEFA Champions League.

Keywords: Controlled competition, Europe, Football, Franchising, Governance, Leagues, Professional sports

1. Introduction

The franchising is a highly dynamic business model in North American professional sport, but it remains a taboo topic in Europe, particularly in football. Yet franchising is a key issue, as it represents an original and effective model for economic development. Companies as high-profile as McDonald's, Burger King, The UPS Store and Dunkin' Donuts all bear witness to the continuing success of the franchising model. Franchising is based on an agreement by which a franchisor grants franchisees the right to market products or services and to use both his brand name and business model, defining a geographical area in which the franchisee is protected from the entry of competitors (Nijmeijer *et al.*, 2014). Although it is sometimes pointed out that franchising in professional sports is a variant, the organizational configuration adopted means that franchising can be said to embody its major principles: on the one hand, a business model is devised at the level of the league's regulatory body called *commissioner*, with reference to precise specifications; on the other hand, territorial exclusivity is guaranteed by the

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same commissioner to enable each franchisee to achieve a high level of profitability in a context of greatly reduced uncertainty.

While major American sporting events such as the Super Bowl are widely known in Europe, this is not the case for the actual *modus operandi* of professional leagues, which are based on a franchising model. Each league is an economic unit based on collective governance, under which franchise members –the franchised teams– pursue a coordinated strategy to develop and sell an attractive product, particularly to powerful TV networks: the *sporting show*. This has an impact on the valuation of each franchised team, which depends on the media power of each sport. Any reorganization of the league, with the entry of new teams or the exit of existing ones, is planned exclusively by the commissioner (i.e., the franchisor), which also defines the modes of governance. Such governance, which Andreff (2007) does not hesitate to describe as "socializing" in the land of triumphant liberalism, is characterized by an original strategy of territorial coverage, some dimensions of which can be found in traditional commercial franchising.

This article looks at the possible application of the North American model to European professional football. The latter is a particularly flourishing entertainment industry, with major financial stakes and is developing efficient marketing strategies for its top teams, transforming them into veritable brands. Developments in European professional football over the last three decades indicate that we are now in the presence of a "closed pseudo-league" in which fewer than fifteen clearly identified teams, always the same ones, play in the final stages of the UEFA Champions League. The reality is therefore that of a *hybrid form*, in which some of the characteristics of the North American model are present, in an environment where, nevertheless, the principle of sporting merit is presented as the unavoidable mode of governance. Quite naturally, many observers are advocating the introduction of a franchising system in Europe, at least for the UEFA Champions League, even if it means retaining the original model of accession from minor national leagues.

The implications of the possible adoption of the North American model by European professional football are far-reaching. Numerous studies have highlighted the extent to which top-level football is now part of an experiential perspective, in which the match itself is just one sequence in a memorable experience for spectators. This evolution calls for significant investment, both in stadium reconfiguration and in the implementation of "theatrical processes" (Moraes *et al.*, 2022). A franchising model would have the advantage of reducing the uncertainty linked to a team's unpredictable sporting performance, by guaranteeing private investors a continuous presence within the league, with no risk of exit at the end of a season. Furthermore, the guarantee of territorial exclusivity, based on the potential of a catchment area, would definitively block the unexpected entry of competitors (accession of new teams), thus protecting rents. However, there are significant obstacles to the creation of a European (football) Super League, despite several attempts in recent years.

This article reflects on the use of the franchising model to understand the governance of professional sports leagues in North America, and its possible application to European football. The subject is regularly discussed in the media and attempts by powerful European teams to set up a private league outside UEFA-organized competitions give rise to sometimes violent debates (Meier *et al.*, 2024). To clarify the issues at stake, a second section presents the fundamentals of the North American model, before introducing in a third section the notion of *controlled competition* in the sense of Pribram (1935), in other words the formulation of strict codes of fair competition. The governance of professional sports leagues in North America is effectively based on rules of the game founded on collective regulation, the aim of which is to create wealth for all members of a franchise and share it equitably.

A fourth section highlights the prospects opened for European football, but also the hindrances that a franchising model is likely to encounter, while a fifth section concludes the article with a discussion of an essential but still underestimated dimension: the inevitable development of an experiential approach to boosting European football as a component of the entertainment industry.

2. An overview of the North American model

Unlike Europe, North America has opted for a system of leagues in which the number of teams –the franchisees– is defined in advance. This number changes little over time, and sporting performance has no influence on the presence of franchisees in the league from one year to the next. From an economic point of view, North American leagues are organized according to the principle of conquering a sports entertainment market, which they segment to avoid direct competition between teams, as is the case in Europe. For example, for the 2023-2024 season, London will have 13 professional football teams, including six Premier League teams: Arsenal, Brentford, Chelsea, Crystal Palace, Tottenham Hotspur, and West Ham. In North America, by contrast, only economically more profitable metropolises justify the presence of a single team. Of course, for giant metropolises such as New York or Los Angeles, several different sports teams can coexist, given the size of the population and economic activity (Semmelroth *et al.*, 2022).

Although franchises are independent businesses, they operate under the direct control of the commissioner, who in fact determines the collective and coercive rules of operation (Parlow, 2010; Bourg & Gouguet, 2012; Pacifici, 2014), notably in terms of resource sharing (TV rights, ticketing), the conditions under which players join and change teams (draft), and compliance with financial ethics (salary cap) (see Table 1). This can lead the commissioner to impose sanctions in the event of deviant behavior on the part of a team, contrary to the interests of the league, with broad jurisdictional powers (Lentze, 1995). The aim is clearly to organize the franchising system in such a way as to ensure the continuity of the presence of its franchisees (teams), thereby fostering a permanent link with fans located in the catchment area. Most teams in the four major North American franchises –the National Football League (NFL), the Major League Baseball (MLB), the National Basketball Association (NBA) and the National Hockey League (NHL)– were created as part of a planned expansion of the league, or through a merger with a rival league.

Table 1. Key elements of a North American franchise

League organization	League under the control of a commissioner Neither retrogradation nor accession at the end of the season Teams exclusively entered league competition
League functions	Control of the fair governance of each team Centralized marketing strategy
Competition between teams	Limited based on economic and non-sporting criteria Consumer choice in catchment area
Labor market	Draft Salary cap Collective bargaining between owners and player unions
Revenue sharing	Equal sharing of TV rights Sharing of ticket office revenue

Source: Adapted from Bourg & Gouguet (2012).

Collective regulation also relies on the simultaneous presence of major and minor leagues for the same sport, but which remain totally compartmentalized, unlike the European model (Nafziger, 2008). For example, major leagues in baseball and hockey are associated with minor leagues used to develop young talent, particularly from the university system. So, while most minor league franchise teams are independent, each is under contract to a major league franchise team, which hires and pays players, and pre-empts them for a move to the majors. In the case of Major League Soccer (MLS), the situation is unusual. The owners of the franchised teams are shareholders in the league, and it is the league itself, not the teams, that signs contracts with the players. The top teams from each season compete in a playoff tournament, and the winner of the playoffs is declared league champion. Departing from the logic of collective action, MLS teams play many matches against foreign teams, due to the international nature of the sport and the presence of a global regulatory organization (FIFA).

Even if the governance of North American professional sports leagues systematically refers to the notion of franchising, notably in academic works devoted to them (Vrooman, 1997), would not a reference to concession contracts be more appropriate? A concession contract is an agreement under which a company, known as the licensor, chooses a distributor, known as the licensee, to market its products or services in each territory, with exclusivity (Le Tourneau, 2010). Franchise contracts and concession contracts have certain similarities, notably in that the franchisee and the distributor are independent entrepreneurs who benefit from a right to use the trademark. On the other hand, unlike a concession contract, a franchise contract is explicitly based on the transmission of know-how and the provision of assistance to the franchisee by the franchisor. As a result, the partnership is much more intense than in the case of a concession since the franchisee is limited to selling products or services under the name of a brand. It is therefore impossible to reduce the role of the commissioner, likened to that of a licensor, to a mere supply of products (players), or even "brand licenses" (e.g., the *NBA brand*).

3. Controlled competition

North America's major leagues are organized as associations, giving them a high degree of independence and the flexibility to implement internal modes of governance based on the principle of controlled competition (Pribram, 1935). Although not profit-making, their primary mission is to organize a championship and generate financial resources on behalf of the participating teams.

Article 2.1 of the *Constitution and Bylaws of the National Football League* (1970, rev. 2006) is explicit: "The purpose and objects for which the league is organized are: (1) to promote and foster the primary business of league members, each member being an owner of a professional football club located in the United States; and (2) to do and perform such other functions as may be necessary to carry out the purpose and objects of the league." The implication of article 2.1, which also applies to the other major leagues, is that profit maximization is the result of a cooperative strategy to continually arouse public interest in the sporting show. This interest is supposed to increase when the championship pits teams of equal strength against each other, and conversely decrease when the championship is dominated year after year by the same team. This is why the leagues strive to implement a policy of solidarity, to promote what sports economists refer to as the *competitive balance* (Doria & Nalebuff, 2021).

The legal form chosen for efficient controlled competition is franchising. Table 2 shows the four usual characteristics of the contractual governance of franchise networks: (1) the right to use a trademark granted by the franchisor to the franchisee; (2) the transmission of know-how from the franchisor to the franchisee; (3) the technical and/or commercial assistance provided by the franchisor to the franchisee; and (4) the legal independence enjoyed by franchisees. Professional sports leagues implicitly or explicitly adopt these four characteristics, even when the collective system formed by the "franchise network" suffers a violent external shock such as the Covid-19 pandemic in the spring of 2020. In North America, for example, major league commissioners have assumed a significant part of the cost of screening for Covid-19 and reorganizing playoffs in secure places. The assistance provided to franchised teams, combined with intense lobbying to revive sporting activity, is another facet of the assistance provided and is akin to the traditional practices of the franchising model. The dynamic of North American professional leagues is therefore based on the collective value creation and the pooling of risks, with reference to a market shared out between members to derive maximum revenue, as indicated above.

Table 2. Professional sports leagues in reference to the franchising model

Features	Definition of characteristics	Examples of application to professional sports leagues
Right to use a trademark	The franchise contract indicates that the franchisor transfers to a franchisee the right to use a commercial brand understood as a sign of rallying and support of customers.	Fans show enthusiasm for a franchise, i.e., a given sport, an attachment nourished by the sale of a myriad of derivative products offered on the franchisors' websites.
Transmission of know-how	The franchise contract is based on the transmission from the franchisor to the franchisee of know-how, a substantial and identified set of practical information resulting from the franchisor's experience.	Franchisors have extensive experience, often several decades, of franchise failures and successes, allowing them to provide the keys to a winning business model.
Technical and/or commercial assistance	The franchise contract guarantees the franchisee commercial and/or technical assistance from the franchisor during the duration of the contract, which specifies its characteristics.	Franchisors help teams with optimal cash flow management, particularly in terms of ticketing, and manage the negotiation of TV rights with major networks.
Independence of franchisees	The franchise contract guarantees the independence of the franchisee as an entrepreneur, responsible to third parties, and to its customers and employees.	Teams have a certain freedom in the decision of possible relocation from one city to another, which amounts to transferring a commercial unit and changing catchment area.

Source: The author.

From a spatial viewpoint, a franchise network's territorial coverage strategy is based on the choice of appropriate locations, which not only have a large population (many potential customers), but which have also experienced steady demographic growth in recent years–a strong signal of a dynamic economy. Once the location has been defined, the franchised unit must be easily accessible to potential customers, thanks to the presence of high-quality logistical infrastructures, both in terms of shopper flows and available parking spaces (Cliquet, 2020). A similar analysis applies to professional sports franchises. North American leagues as we know them today spread geographically for decades, between 1876 and the WW II, as the railroads developed (as the principal means of intercity transport). As a result, virtually all major league franchise teams were concentrated in the northeastern quarter of the United States, within about a day's train ride. Certainly, college, minor league and amateur teams existed on the West Coast for all four major professional sports, but they rarely played outside their home regions for regular-season games. Market coverage strategy will slowly evolve as travel patterns, enabled by advances in logistics, and settlement strategies change (Wade *et al.*, 2019).

As the fast-growing economic zones of the Sun Belt become increasingly important, the major professional sports leagues are expanding in their direction, either with the creation of new franchise teams or the relocation of existing franchise teams, which still comes as a surprise in Europe. Two examples illustrate the mobility that characterizes the various major leagues: in the NBA, the Hawks have played successively in Moline, a small Illinois town, Milwaukee, St. Louis, and Atlanta; in the NFL, the Raiders have played successively in Oakland, Los Angeles, Oakland again, and Las Vegas. Step by step, most of North America's major metropolitan areas (i.e., those with a population of over one million) eventually had at least one major team, covering high-potential catchment areas capable of generating a satisfactory level of ticket office sales. By way of illustration, Figure 1 shows the example of the location of NBA franchise teams in 2023, which largely aligns with the spaces of prosperous and populous America, forcing increasingly long and environmental catastrophic journeys (each NBA team flies just under 70,000 kilometers a year). However, the territorial coverage reveals "structural holes," like the locations of certain commercial franchise networks (Blair & Lafontaine, 2011).

Figure 1. Location of NBA franchise teams (2023)

Source: https://sportleaguemaps.com/basketball/nba/ [Accessed October 25, 2023].

Several examples illustrate this key element in the operation of sports franchises in North America. The most populous American city without a major league professional sports franchise has long remained Austin, Texas (population one million), and it was not until 2019 that its soccer team was finally integrated into MLS, which nevertheless remains a second-tier major league in the United States. It is true that Austin is in the middle of a cluster of top Texas teams in Houston, San Antonio, and Dallas-Fort Worth, which saturates the market. On a State level, Virginia is the most populous State in the United States without any major league teams, and this case is particularly instructive in terms of the market coverage practices of the various franchises.

In 1996, the Houston Astros (MLB) came close to being sold and relocated to Northern Virginia, but the commissioner, under pressure from the teams present, intervened by blocking the proposed transaction to give Houston time to approve a new stadium contract. Another example: a proposal to relocate the Montreal Expos (MLB) to Norfolk was examined by the commissioner in 2004, but serious concerns over transportation infrastructure capabilities tipped the balance in favor of Washington DC, which has the advantage of a nearby international airport (Dulles).

4. Focus on Europe

The question of franchising professional football has been much talked about in Europe for several years now, particularly in the United Kingdom, Spain, and France. In 2021, the idea of a *European Super League* was mooted, but the project came to nothing, not least for legal reasons (Dunbar, 2021). On a political level, the European Union is seeking to protect traditional sporting structures, by resisting attempts to set up a franchise system based solely on maximizing financial profits for the elite teams, and consequently the most powerful metropolises where they are located. Indeed, as we have seen, a successful franchising system presupposes the existence of high-potential catchment areas, which are selected as a matter of priority, thus running the risk of marginalizing smaller teams located in outlying areas (for example, the famous "diagonal of emptiness" in France, a wide strip of land stretching from the Meuse to the Landes, where population densities are very low). And yet, even if the political intention of safeguarding a kind of "local football" cannot be denied, the presence of a pseudo-league –in other words, a quasi-franchise– seems indisputable today, and raises the question of its institutionalization in the years to come.

For careful observers, but also for fans, European football does not fit into the model of North American leagues insofar as sporting merit will sometimes have the last word: in national championships, a team with a good reputation, but which accumulates sporting under-performances, can be relegated at the end of the season; in cup competitions, a modest team from a minor league, but driven by enthusiasm, can topple the best teams and reach the playoffs. While this reality is indisputable, it should not conceal the fact that at European level, a pseudo-league *de facto* exists, implicitly resembling a variant of the franchising model. Just look at the list of teams taking part in the final stages of the UEFA Champions League over the last 20 years, and it is possible to see that a core of 15 or so are still present, including Real Madrid, AC Milan, Bayern Munich, Liverpool, and Barcelona. Conversely, despite huge financial investments, no French team has featured on the list since 1993. Two dimensions lend credence to the hypothesis of a pseudo-league based on the North American model.

Firstly, even if the "small" teams have put in place safeguard mechanisms to maintain a degree of suspense in the competition, to use the terms of Meyssonnier & Mincheneau (2013), the fact is that only a few major professional teams can equip themselves with an information and monitoring system that promotes managerial sustainability and recurrent sporting performance. In other words, it is easy to identify a select group of teams that regularly monopolize the top places and win the most prestigious trophies. This is particularly true at UEFA Champions League level, where the supremacy of a few teams does not seem to have been challenged for decades (Paché, 2018), as indicated above. Moreover, by fiercely negotiating the amounts of TV rights for the competition and by retaining absolute control over its marketing (Schotté, 2014), is not UEFA already positioning itself as the commissioner of an "invisible" franchise? Csató's (2022, p. 1008) conclusion is along these lines:

"UEFA has undeniably raised the barriers to participation in the Champions League for most European champions since the 2018/19 season. Consequently, the Champions League has become rather a playground of leading European associations and has moved farther from its original concept of being a 'league of champions'."

Secondly, to avoid an unacceptable financial drift, leading more than half of Europe's top teams to post net losses in the early 2010s, UEFA now really acts as commissioner, having instituted the *financial fair play* rule which regulates the sector with *ad hoc* authority and tools. The aim is explicitly to create healthy rivalry in a coherent collective space (Peeters & Szymanski, 2014). In short, a relatively complex and specific licensing system has been put in place, allowing a team access to a European competition only if everyone plays with the only economic means at their disposal (Dermit-Richard, 2012; Birkhäuser *et al.*, 2019). This should avoid financial overbidding outside any profitability criterion, the origin of which lies largely in the growing importance of TV rights, by making it possible to re-establish greater sporting equity, exactly on the model of North American franchising model. While such an approach is to be welcomed, it also reinforces the segmentation of the sector to the benefit of the most powerful teams, those that have historically benefited from significant market size, stadium capacity and reputation (brand image).

However, powerful obstacles to the institutionalization of a franchising model are still very much in evidence in Europe. Football is still regarded as a sporting activity, before being a spectacle and a marketing product. It is the expression of a passion for many fans, and even a reason for living in a sometimes-difficult economic context in areas plagued by unemployment (Northern France, Northern England, Marseille, etc.). However, the creation of a European Super League based on the North American model would undoubtedly kill off the national leagues and risk jeopardizing the entire financial equilibrium of European football. A team like Real Madrid, despite being at the forefront of the construction of a hypothetical league based on the North American model, derives 70% of its revenues from its domestic market. Not to mention the reactions of Spanish *aficionados* if Real Madrid and Barcelona, sworn enemies since the Spanish Civil War, were to disappear from "their" league. So, in a sixteen-team European league, Paris Saint-Germain and Marseille would undoubtedly have their place, but what would the fans of Lille or Nice think? What is more, it is very likely that many European countries would not be involved in a European Super League, which would obviously be detrimental to the difficult task of uniting the continent and would be particularly unfair according to sporting ethics.

5. Discussion and conclusion

The governance of North American professional sports leagues has interested marketing researchers for over sixty years (for a literature review on the issue of governance in sport, see Dowling *et al.* [2018]). It is true that this singular model, based on a cartelization strategy, is a powerful reducer of uncertainty insofar as, in return for an entry fee, the franchised teams purchase their participation in an industry with no risk of long-term eviction for (sporting) non-performance. In other words, investors do not have to worry about being demoted from the major league to a minor league, which usually means a main loss of TV rights (in France, over 20% of a team's budget), but also of image and legitimacy, and therefore of ancillary sponsorship income.

The aim of this article was to complement the economic approach by highlighting the extent to which the North American league model is inspired by the traditional franchising model, notably in terms of shared profits between members, but also of the formalization of collective and coercive rules in terms of territorial coverage to avoid entropic effects (saturation of catchment areas, cannibalization between franchised teams, etc.).

More broadly, the ambition is to reflect on the use of franchising model outside well-known sectors, in the same way as work conducted in the social sector, which is developing particularly in health, education or water management (see, for example, Perrigot's [2018] contribution on the Child and Family Wellness clinic chain in Kenya, or McKague *et al.*'s [2021] contribution on Farm Shop in the United States). Professional sport is a thriving economic activity, accounting for over 2% of global GDP, and its role in the development of TV networks is extremely important. For example, the World Cup final held in Qatar in 2022 attracted 1.5 billion viewers, and FIFA benefited from TV rights worth around 3.5 million US dollars for the entire tournament. It is therefore legitimate to wonder about the application of the franchising model to professional sport, as is also the case for the fast-food and hotel industries, for example. History shows that the United States pioneered the creation of leagues as early as the 19th century, notably with the baseball league of 1876, and their success has never waned. They are even a kind of ideal model for other continents.

The case of European professional football is interesting because, although it is not legally presented as a franchise, the most prestigious competition –the UEFA Champions League– is economically like a pseudo-league based on the North American model. It remains to be seen whether it would be worthwhile for the most prestigious teams in European professional football to switch completely to the franchising model, with a commissioner ensuring its regulation, even if this meant that minor (national) leagues continued to rely on the principle of accessions and demotions with reference to sporting merit. This development could then attract massive amounts of new capital, ready to invest in the sector in a climate characterized by zero uncertainty. The example of Paris Saint-Germain in France is interesting: since 2011, Qatar Sports Investments has "injected" over 1,6 billion euros in player purchases without the team winning the UEFA Champions League, even though this is a priority objective for Qatar (affirmation of soft power). It is to be feared that the owners of Paris Saint-Germain will eventually tire of this succession of failures, which lead to growing frustration (Mather, 2022).

Added to this is the fact that professional football is marked by an increasingly experiential approach. More precisely, the sporting spectacle is experienced by fans as a memorable experience, far beyond a simple match between two teams, based on a succession of playing actions (Chanavat & Bodet, 2014). It is even possible to speak of a sacred experience associated with multiple ceremonials, rituals, and totemic objects (Fulconis & Paché, 2014). Massive financial resources will therefore be required to achieve spectacular dramatization, along the lines of the North American leagues, for which major efforts have been made to create a memorable game day experience (Jensen *et al.*, 2018). An NBA basketball match is thus a total spectacle on and off the court, with every stoppage in play giving way to a host of animations (T-shirt tosses with air guns, wild cheerleader dances, deployment of huge 360° screens, etc.). The new generation of European football fans is looking for similar thrills, and it would be dangerous to ignore them.

From this point of view, beyond a simple debate between purists on how to think about professional football, the stakes are high if we are to effectively manage an essential industry in what Debord (1967/2021) called the "society of the spectacle."

The drive to create a franchising model in Europe is unquestionably part of the triumph of the experiential vision. For the owners of the most powerful teams, who have dominated the UEFA Champions League since 2010, sports federations –including UEFA– belong to the old institutional world of sport. The latter is seen as lacking in dynamism, and content with "old recipes" based solely on the beauty of the beautiful sporting gesture (the magnificent goal by a center-forward, the exceptional save by a goalkeeper, etc.). The time has come to offer spectators new offerings, new events, new competitions, to complement what already exists. This is the case with the European Super League project, whose aim was clearly to create a high-drama competition, as underlined by Brannagan *et al.* (2022). This evolution is inescapable given the profound cultural transformations linked to the explosion of leisure activities in contemporary societies, and which represent a significant growth potential for the media industry. Spectators/consumers are looking for diverse, high-quality content that greatly stimulates their emotions, as is the case in North America. How long will European football be able to resist the siren calls of the experiential?

Author's biography

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