

Wooden Bat League Faces Splintering Relationship; MLB Licensing Issue Causes Dilemma for Cape Cod Teams

By MARK MURPHY

The relationship between the Cape Cod League and Major League Baseball always has been mutually beneficial.

One in five major leaguers played summer league amateur ball for teams with names like the Cotuit Kettleers and the Brewster Whitecaps.

MLB recognized the importance of the league - one of the only leagues of its kind still using wooden bats - and takes the relationship seriously, as evidenced by an annual \$100,000 grant it gives to the league.

The league has become a paradise for scouts.

The players, many of them fresh from the NCAA playoffs and the College World Series, are assembled from the best amateur talent in the United States.

They stay with volunteer families. Indeed, the entire enterprise is that way, with volunteers running this non-profit league out of a love for the game and the league's incredible tradition.

The fields and towns are within 15-minute drives of each other, and as such, scouts can take in more than one game on a given night.

"We stagger the schedule so they can get in multiple games in a day," said John Reid, general manager of the Harwich Mariners. "We bend over backwards to accommodate them."

But this is a litigious society, and even on the level of something as pure and basic as amateur baseball, trademark issues can come down with the force of a hammer - in this case, with the target being the six Cape League teams' sporting major league names.

MLB, in a successful move to protect its trademark rights, threatened to withhold its \$100,000 grant if the Chatham Athletics, Bourne Braves, Hyannis Mets, Yarmouth-Dennis Red Sox, Orleans Cardinals and Harwich Mariners didn't start purchasing all merchandise and uniforms from MLB-approved vendors.



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The other option was to change the team names.

As a result, with the schedule set to open June 11 with a game between last season's two finalists – Cotuit and defending champion Harwich – two teams have decided that staying loyal to local vendors was more important.

Say hello to the Chatham Anglers and the Orleans Firebirds. The other four teams chose to go with MLB vendors, only one of which – a firm called Soft As A Grape – is a local Cape business.

That means dealing with national uniform maker Majestic Athletic for all team duds sporting a name like Braves or Mets. Uniforms with just the town name don't have to be done nationally.

But it also means ordering all merchandise through MLB-approved vendors – a reality that has cut into the money these teams can make from areas such as T-shirt sales, for an MLB licensing fee comes attached.

MLB claims it is merely protecting its interests.

"It's just that we have binding legal agreements," said Matt Bourne, spokesman for MLB's licensing division. "It was brought to our attention that they weren't going through our official licensing partners."

Even then, MLB officials had the option of looking the other way. But that's not how it works, according to Bourne.

"There's a variety of reasons we have to do this," he said. "It affects our relationships. If you don't enforce your trademark rights, then you run the risk of losing them."

And though many in the league, in the name of survival, obediently went along, others were mystified by MLB's heavy-handedness.

"It came off to me that MLB was just trying to come up with another way to make more money," said Lou Merloni, the talk radio personality and former Red Sox second baseman who played a season each for the Bourne Braves and Cotuit Kettleers. "You'd rather they see it for what it is, but it seems they put the screws to the league."

"I have to say I was surprised when I heard about it. It's such a great league. I didn't just play there. I lived there."



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"The local vendors have always been great, because they're able to give the teams a break so that they could afford the uniforms. That's the nature of the league. They have a tough enough time keeping it going. A lot of people are working hard, and then MLB comes in and makes it harder."

A tough sell

Judy Walden Scarafile, the league president and person in the oft- thankless job of securing sponsors, was truly stuck in the middle on this issue. MLB's annual grant is a major source of revenue. Though more teams may choose to change team names if their new relationships with MLB vendors proves too costly, for now Scarafile simply wants to calm the waters.

"It was emotional in the beginning," she said. "But everyone walked away friends. It's trademark law, and everyone agrees with that. The two teams that changed their names are going to have a merchandising windfall."

Indeed, Chatham, one of the league's annual leaders in merchandise sales, is anticipating a rush at the merchandise booth. The same applies to Orleans, which sports a particularly striking red and black logo. The bird still is red, but instead of a cardinal, it is now said to be a raptor – another local species.

"The fact that Chatham is a fishing community, our choice (of the Anglers) was well-received," said Peter Troy, president of the Anglers. "We got a lot of respect for keeping it local.

"We think the (local vendors) are just as good. It's a very short season. We can provide T-shirts in a 24-hour turnaround with the people we have, and you need that when it comes to things like printing playoff T-shirts."

Don't underestimate the importance of merchandise sales for these teams. Of the approximately \$350,000 it costs each year to run the Chatham operation, approximately \$90,000 of that comes from merchandising.

Troy's wife, Diane, who does all of the merchandising for the team, didn't want to take the loss that shifting to an MLB vendor would have cost.



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"We probably would have lost about \$3 per shirt," she said. "Maybe I would have raised the price to \$20 and paid a premium to the person who makes it. But Damon (Collins of Advanced Embroidery) will actually go out and find a T-shirt on sale to lower the price."

In a community as tight-knit as the Cape, the local economy is especially important. "We definitely appreciate them sticking with us," John Jumper, the artist from Kaleidoscope Imprints who created the Firebirds logo, said of the Orleans team. "We've worked with them for years and years."

As some are discovering, the choice of keeping the name and purchasing from a national vendor has its problems.

"Now we're running into some problems with MLB vendors to get the T-shirts done," said Harwich's Reid. "The actual MLB vendors are taking in orders from all over, and you know that you're not that high up on their totem pole. I try to stay out of the merchandise end, but we're having some problems."

"We open on June 11, and some of our (merchandise) just isn't going to be there on time. We have to accept the fact that we're not going to have a full (merchandise display) for our first game."

MLB's Bourne said that this was the first his licensing division had heard of these problems and was attempting to rectify the situation.

Break from tradition

Reid's team, the Mariners, had that name long before the Seattle Mariners ever came into existence. The Chatham Athletics actually took their name in 1963 from the Chatham Athletic Organization. The Orleans Cardinals borrowed their name from the local high school team.

But, as Scarafile dutifully noted, it's all about trademark law. If any of the teams from among Hyannis, Bourne, Yarmouth-Dennis and Harwich decide the new arrangement doesn't work, they can implement name changes.

Still, the law hasn't stopped those under its boot from wondering why MLB had to bother.



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"I did wonder," Reid said. "They said they were just going by the book, but it surprised me because of their connection with our league. One in five MLB players were on the field on the Cape at some time. We've given scouts a great way to see the games. I really don't see what benefit they had in coming after us.

"It's tough, but we also can't lose MLB, because that's where our players are going," he said. "I've talked to a lot of scouts about it and they're all shocked. It's definitely a corporate move. It's not coming from the people on the field. It's coming from New York City."

And as **MLB** has reminded those who run one of the purest baseball operations there is, it's good to have clout.

"It's bewildering, you think you're a non-profit," said Diane Troy. "You're a huge fan of Major League Baseball. It's in everyone's blood. You hear stories of what they've done with some Little Leagues, and you think, 'That could never happen to us.'"

