







Workshop participants noted that thwarting bots and identifying the entities behind them still are not easy tasks, given both the c







## Endnotes

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<sup>1</sup> IBISWorld, *Online Event Ticket Sales in the U.S.: Market Research Report* (Mar. 2019), <https://www.ibisworld.com/industry-trends/specialized-market-research-report/online-retail/lifestyle-services/online-event-ticket-sales.html> (estimating \$10 billion in event ticket sales for 2019).

<sup>2</sup> *FTC v. Ticketmaster, L.L.C.*, No. 1:10-cv-01093 (N.D. Ill. Feb. 18, 2010) (stipulated order) (challenging practices of failing to disclose to consumers when they are directed from a primary ticket website to a secondary website).

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<sup>22</sup> *FTC v. TicketNetwork, Inc., FTC v. SecureBoxOffice, LLC, and FTC v. Ryadd, Inc.*, *supra* note 2.

<sup>23</sup> A participant from a popular search engine platform discussed policies the company implemented in response to complaints that its users were unable to distinguish primary from resale ticket sellers. The policy requires resale ticket websites to disclose that they are a resale marketplace within the top twenty percent of each web page and in at least the same size font as the majority of text on the page. The policy also prohibits resale websites from using venue or artist names in their search-ad URLs and prohibits use of the term "official" unless authorized by the primary ticket seller. While workshop participants applauded these efforts, they noted that deceptive URLs and websites mimicking primary sellers remain prevalent, especially on other search engine platforms that do not restrict what resale ticket websites display in search ads.

<sup>24</sup> New York's legislation requires ticket resellers to post a clear and conspicuous notice that they sell resale tickets. New York Senate Bill 8501B § 25.23, *supra* note 19. One section of the bill also prohibits resellers from using the name of a venue, event, or similar language in a website URL "with the intent to mislead or deceive." However, this section provides an exception for resellers "acting on behalf of, and with the consent of the ... event, artist or sports team." *Id.* § 25.34.

<sup>25</sup> Maryland's legislation prohibits resellers from using the name of venues or events, or substantially similar names unless acting on a venue's behalf. Maryland House Bill 740 (*enacted* May 26, 2018 under Art. II § 17(c) of the Maryland Constitution – Chapter 825), <https://legiscan.com/MD/text/HB740/id/1804343/Maryland-2018-HB740-Chaptered.pdf>. New Jersey's legislation prohibits resellers from advertising tickets to New Jersey residents through a ticket website with a URL that includes the venue or event name unless authorized by the venue. Senate Bill 2665 (*approved* Jan. 31, 2019 under P.L. 2019, Chapter 8).

<sup>26</sup> H.R. 3248, <https://www.congress.gov/bill/116th-congress/house-bill/3248>. Representative Albio Sires also cosponsored the proposed legislation.

<sup>27</sup> As written, the proposed legislation appears to require resellers to make this disclosure even if they have a contractual right to the tickets, for example resellers with season ticket agreements.

<sup>28</sup> As written, the proposed legislation does not appear to place the same requirements on unscrupulous brokers or other resellers who may deceptively design their website URLs or landing pages to look like those of primary ticketing websites.