



Media, Entertainment & Games

The innovative nature of media, entertainment and gaming industries requires companies and entrepreneurs to operate in an ever-evolving legal environment. Foster Pepper attorneys understand the industry's idiosyncrasies and offer clients dynamic experience, including insights from our strong business and intellectual property practices. Working with entertainment, production and theater companies, as well as studios, video game developers, talent agencies and artists, Foster Pepper attorneys partner with clients across nearly all genres of this growing industry and our practice continues to evolve as the needs of the clients grow.

AREAS OF FOCUS

Interactive Games

The cross-section of technology and entertainment is one of the fastest growing industries across the globe and is projected to continue to grow with the popularity of social media, video gaming, mobile gaming and social gaming.

Our attorneys represent game development and publishing companies, start-ups, and entities providing game-related services. They have strong working relationships with some of the world's top entertainment companies, including Code.org, Z2Live (now Z2), Distimo, Esports players, teams, and organizations, Pat Wyatt (co-founder of ArenaNet, developer of Guild Wars), Pixelgun Studio, and Olympus Games. From antipiracy enforcement and network negotiations to employment issues and entertainment marketing, Foster

Pepper attorneys help clients navigate this complex, multi-tiered industry to achieve their desired results.

Gaming

Our games attorneys work with our clients on advising companies on electronic distribution of content, the relationship between developers and distributors and identifying federal and international regulatory issues affecting game clients. Our clients range from startups and emerging companies to market leaders of video games, mobile games and online games.

Esports

Foster Pepper media, entertainment and games attorneys represent players, teams, leagues, and service providers in the fast-growing world of competitive video gaming, known as esports. Housing one of the cutting-edge practices in this emerging industry, our attorneys counsel clients on entertainment, sports, intellectual property, and gaming law issues. We have experience drafting and negotiating deals ranging from player contracts to sponsorship arrangements, and have helped resolved conflicts between some of the most prominent parties in esports.

Virtual Currency

Our media, entertainment and games attorneys, in conjunction with our financial services attorneys, regularly speak with local and national banks, credit unions and other financial institutions about the cutting-edge issues of virtual currency and regulatory issues.

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Music

Music rights and agreements can be complicated, whether that music is going to be sold as an album or be a component of film, television or interactive entertainment. Copyright, moral rights or authors, and other similar intellectual property rights can impact a third party's right to use certain compositions, lyrics or arrangements. Foster Pepper attorneys have drafted and negotiated contracts and licenses for master use rights, synchronization rights, performance rights, mechanical rights and others that may impact a production.

Literature

Foster Pepper represents authors in agreements with agents, managers and publishers and work to secure the best option terms, royalties, advances and bonuses and cross-collateralization provisions for our clients.

Employment and Labor Law

Whether our clients are producing a play, a movie, an album or are involved in interactive gaming, they engage others as employees or independent contractors. These individuals have a significant impact on each production or business. Our attorneys provide timely and practical advice regarding employment law compliance, employment agreement drafting and negotiation, union agreements and disputes, and other important employment issues that affect each project.

Intellectual Property

At the cutting edge of technology, our media, entertainment and games clients regularly run into issues involving intellectual property. Our Intellectual Property attorneys have the vast experience to assist these clients in intellectual property issues including U.S. and international patent, trademark and copyright, as well as intellectual property litigation when needed. We protect the intellectual property rights of our clients through copyright and trademark counseling, as well as the defense of copyright and trademark infringement claims.

Corporate

Foster Pepper attorneys provide a wide range of corporate legal services for our media, entertainment and games clients and work closely with our clients to proactively pinpoint concerns and manage risk exposure. Our team has vast experience with the requisite agreements, including licensing, distribution, publishing, advertising, endorsements and more. We are skilled in developing corporate documents for entertainment companies and help ensure that related employment and labor agreements comply with state and federal laws.

REPRESENTATIVE TRANSACTIONS

- Represented **Code.org**, a nonprofit organization founded by Hadi Partovi that aims to encourage people, particularly school students, to learn computer science, in the negotiation of character license agreements with Disney, Lucas Films, Microsoft, Fox, Rovio and PopCap Games.
- Advised **Collegiate Star League**, an esports organization for North American colleges and universities, regarding investor/founder matters.
- Represented Distimo, an application analytics company, in the negotiation of multiple in-game analytics agreements.
- Represented **esports** teams UBUNITED, Face It and LoL Class, as well as individual players, in the negotiation of player contracts and sponsorship agreements. We also created league rules and negotiated player contracts with video platform Twitch, and various Esports team sale transactions.
- Represented a mobile console gaming business used primarily in esports tournament play, in negotiating corporate restructuring, financing, sales distributions and sponsorships of game tournaments in China.
- Advised **High School Starleague**, an esports organization focused on high school athletes in North America, related to employment and general corporate matters.

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- Represented **Hubtag**, an esports technology company that provides resources and broadcast solutions for gamers, in general corporate matters, including investor term sheets and the filing of a U.S. Provision Patent Application directed toward its core technologies.
- Represented **Meltdown Esports Bar**, a chain of esports bars that allow gamers to come together with locations in Belgium, Canada, France, Germany, Hungary, Spain and the United Kingdom, in counseling related to U.S. franchise and trademark matters.
- Represented **Mobile Game Partners**, a top mobile game focused consulting agency, in the negotiation of multiple Game Consultation and Marketing Agreements.
- Represented **Picnik**, an online photo editing service owned by Valve co-founder Mike Harrington, in the negotiation of web-integration development agreements with companies such as Yahoo, Picasa/Google and Facebook. Picnik was acquired by Google in 2010.
- Represented a leading force in mobile mesh/texture capture for games, film and television, in the negotiation of a license to provide 2K Games with motion capture and high-resolution three-dimensional facial scanning services for NBA players for use in "NBA 2K15."
- Represented esports organization, **Pro Battle League**, in the protection and enforcement of its registered trademark, as well as in the defense of opposition of similar trademark registration applications by third parties.
- Represented **Teague**, a full-service design and innovation consultancy, in the negotiation of virtual reality solution agreements.
- Negotiated patent licenses for the Galvanic Vestibular Stimulation (GVS) technology for integration with virtual reality equipment to media, sports, film and game development studios.
- Represented **Z2Live**, a video game developer based in Seattle, Washington, in:
 - The negotiation of trademark license and royalty agreements with Boeing, Lockheed Martin and Northrup Grumman.
 - The negotiation of multiple Game Development Agreements, Mobile Game Consultation and Marketing Agreements and In-Game Advertising Agreements.
- Represented Z2Live management in bonus earn-out compensation as part of the acquisition by King Digital Entertainment, developer of the popular Candy Crush game.